

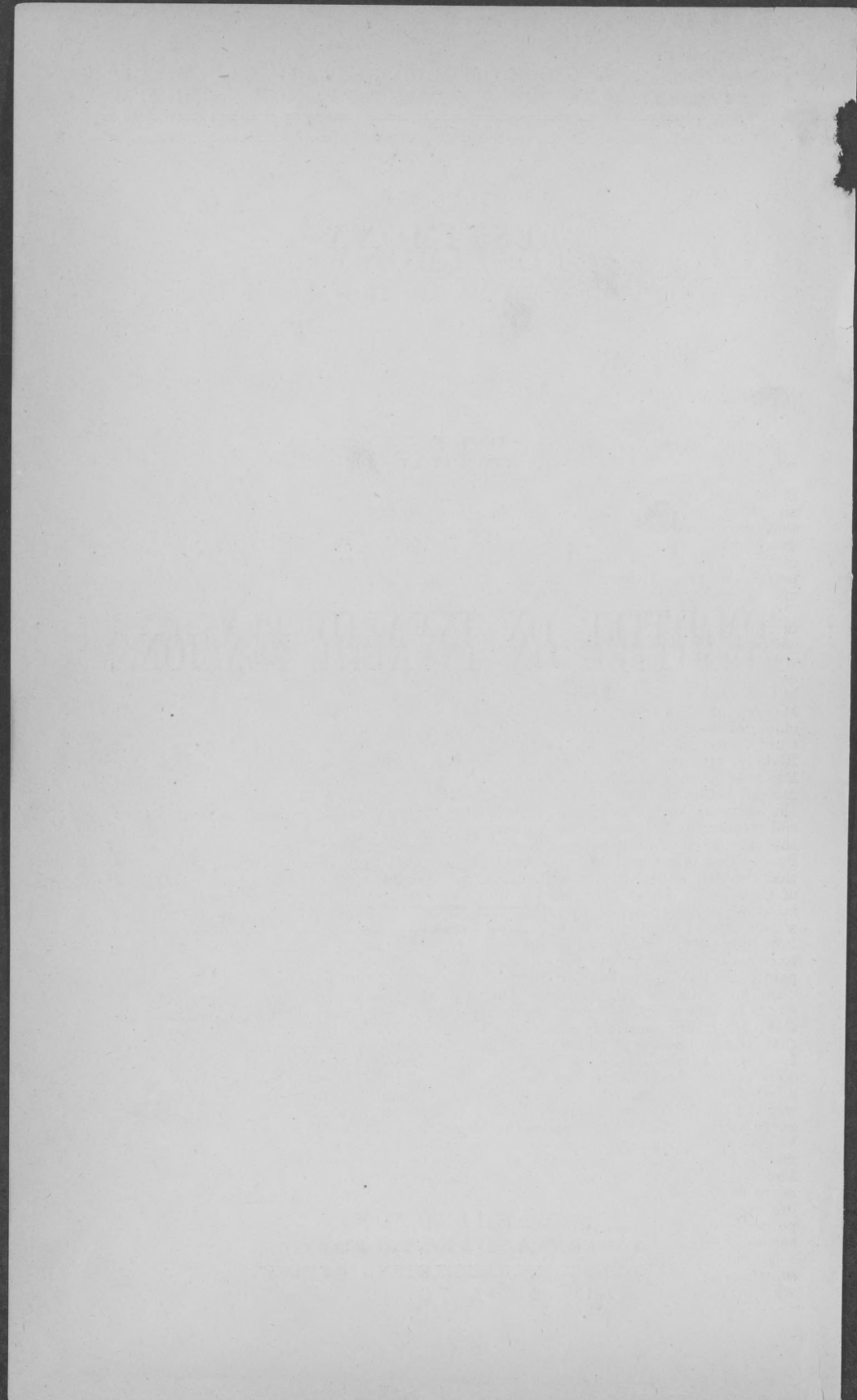
TESTIMONY

TAKEN BY THE

COMMITTEE ON INVALID PENSIONS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1876.



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WASHINGTON, *March 7, 1876.*

Testimony of L. D. INGERSOLL.

By the CHAIRMAN :

Question. State your name, age, and occupation.—Answer. My name is L. D. Ingersoll; my age is not quite forty-three years; I am a journalist and author.

Q. Were you ever an employé of the Pension Bureau, or on the pay-roll of the same? If so, when were you on the roll; how long; at what salary; and what is the aggregate amount of pay drawn by you from the bureau?—A. I was on the pay-roll of the Pension-Office, Interior Department, for some months in the year 1871. I do not recollect exactly the period. It was in the summer and autumn. My office was that of a clerk of the first class, the salary being \$100 a month. As I do not recollect when I was appointed or when I was discharged, I cannot give the exact amount of pay drawn by me. It was a few hundred dollars.

Q. State the means by which your appointment in the Pension Bureau was obtained—at whose instance. Was the person who solicited your appointment an editor or publisher of a paper? If so, what paper, and what was its politics?—A. I will here state all the circumstances of the case with entire freedom as fully as I can remember them. I came to Washington in the month of April, 1871, I think, but at what time in the month I do not remember. It may possibly have been in March. At that time my health was poor. I had for two or three years been associate editor of the Chicago Evening Post, of which Dr. Charles H. Ray was editor-in-chief up to the time of his death, in September, 1870. After his death Mr. David Blakely, who had all the while been managing editor, became the chief editor. Dr. Ray was in poor health, able to do but very little writing for a period of nine or ten months before his death. This brought extra labors upon all the other gentlemen of the editorial corps who assisted in preparing the articles and paragraphs for the editorial columns of the paper. I was very much overworked. I came to Washington in this situation of broken-down health, having resigned my editorial position on the Post. I wrote a few letters, however, from this city to that paper, and it is possible that I sent it a few editorial articles and paragraphs, but I have no special recollection of them now. I was doing all I could to recuperate my strength by abstaining from labor as much as possible, by riding in the open air whenever I could, and by drinking a good deal of Bourbon whisky. After I had been here some time—I do not recollect how long—Mr. Blakely visited the city. He informed me one day that he had spoken to General Baker, at the time Commissioner of Pensions, and that I would be appointed a clerk in the Pension-Office. "You will have to go up to the office," he said, "and do a little work, but very little, and the pay will give you a little help," or words to that effect, as I now remember them. I had not asked for anything of the sort; but I very cheerfully admit that I was grateful for this proposed assistance; and that it was intended as an act of kindness and friendship for me there can be no doubt. In a day or two I received what is called a "designation" for appointment to the office of first-class clerk in the Pension-Office, and which notified me to appear before a board for examination. This I declined to do in a letter to the Commissioner, in which I briefly stated reasons for what I considered the nonsense of submitting to an examination as to my qualifications to fill an office very much inferior to others that I had occupied with some degree of success. Shortly afterward I received my appointment. These were the circumstances under which I was appointed. The means used, as I suppose, were Mr. Blakely's solicitation for the appointment. The reasons he gave I never heard and do not know. He was then the editor-in-chief of the Chicago Evening Post, which was then and for some time afterward quite reliably republican in politics, sustaining the party and some of its public men in some instances where I certainly should have opposed.

Q. Did you not at the same time hold some other office under the Government? If so, what, and at what salary; and when were you appointed to such other office, and when were you discharged therefrom?—A. I did not at this time hold any other office

2 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

under the Government. A portion of this same year I was employed as a laborer at the Capitol. I never received any appointment. I was simply paid as a common laborer. I was personally unable to do hard work, and when this was necessary some one performed the work as my substitute. I was not long thus employed; I did very little actual work; and it has been so long ago that I cannot tell when I began this thing, or when I was discharged, further than that my recollection is it was in the summer of 1871.

Q. At whose instance were you appointed to the office you held which was not in the Pension Bureau?—A. I suppose it was at my own instance. I know of no other, and I should not ask political influence to get the position of a common laborer.

Q. Did you do any labor for the Pension Bureau? If so, what, how much, and of what character?—A. I did very little labor, indeed. Of strictly clerical labor, scarcely any. The office, so far as any manual labor was concerned, was about as near a sinecure as you could well get. But, if I may with modesty say so, I may state that I did some brain-work, by suggestions and arguments upon questions in which the Interior Department and the Pension-Office were interested—questions which were then much discussed by the public press, and which had been recently, if my memory does not err, considerably discussed in Congress. I remember especially that I was often talked with on the question of civil-service reform; and my impression is that my views were substantially adopted or acted upon by the Department. My doctrine was that the subordinate offices of the Executive Departments ought to be made on the same common-sense principles that successful business men exercised in the selection of their employes, with this qualifying matter only: that, other things being equal, preference in new appointments should be given by a republican administration to republicans, and to democrats by a democratic administration. I advocated, in short, the appointment of men without any examination whatever; if they turned out to be efficient and honest, to retain them and promote them according to merit; if not, to dismiss them. In this way I think I "did the state some service." The idea has since been substantially put in operation in one of the Departments, and, as I am informed, with good practical results. Such is the nature of my work, if you can call it work, for the Pension Bureau. When I replied to this question in my oral testimony before the committee, I stated in a vein of pleasantry, that though I had done precious little work in the ordinary acceptation of the word, I thought that, considering the small sum of money I had received, and comparing it with the immense sum expended in other service, I had done about as much as this Congress; and added that if I had not been discharged, I might have done as much, in comparison, as I hoped this Congress would do. It is in no spirit of levity that I here repeat this remark, but with the object of making my testimony in writing as near the words of my oral testimony as practicable. And with this further object of stating here a matter which has occurred to me since my oral testimony was given. On the evening of the day of that examination, I stated this whole matter to a prominent citizen of my State—a lawyer, an ex-member of Congress, of good standing, I believe, in the democratic party. He said to me, in substance, that if he were at the head of a bureau he should give me a place, in like manner as General Baker had done, and would require no drudgery-work from me, but would consider my employment not only justifiable but wise, that he might advise with me on matters of a general nature, and particularly with regard to official reports and to communications in reply to inquiries of Congress and matters of that kind. This will suggest to the committee the fact that a clerk, without doing any of the ordinary routine duties of a clerk, may be of use. I was of such use. It is not for me to say whether I was fairly entitled to the money that was paid me. But that I earned something, though I did little actual work, I am certain.

Q. Was not the principal work you did for the Government the writing of certain newspaper articles in favor of the civil-service reform?—A. I do not recollect whether I wrote much upon this subject at this period or not. I may have written some upon it, but not a great deal in quantity for I was resting from editorial labors, and about this time hated the sight of pen and paper as a hurt duck hates gunpowder. I had before this time written a good deal upon the subject. I talked much upon it with General Baker and others in the Department, and I talked much with the then managing editor of the Daily Chronicle of this city upon the subject, and I believe I gave him a number of paragraphs, and, it may be, a leading article or two on this topic. I do not believe I wrote as much for the public press during the whole period I was on the roll of the Pension-Office as I have done on several single weeks this last winter. My work for civil-service reform was by word of mouth, and by practical suggestions in the office. My ideas were expressly recognized only about thirteen or fourteen months ago in the appointment of a young man to a clerkship who had passed a miserable examination because frightened and embarrassed. I learn that he has made a good clerk.

Q. Were you not an editor or associate editor of the Chicago Post at the time you were on the pay-roll of the Pension Bureau; and was it not the understanding that your appointment was for your editorial support?—A. I was not on the editorial corps

of the Chicago Post at all. I had resigned my position on that paper some time before I had no editorial position on the Post, and so it is impossible that there could have been an understanding of the kind contemplated by the question of the honorable chairman of the committee.

Q. Did you at the same time you were in the pay of the Pension Bureau draw pay for your newspaper services from the newspaper?—A. I performed no regular editorial services. My recollection is that I wrote a few letters to the Evening Post. For this service I received at one time, I recollect, \$100. I do not recollect of receiving any more. But this was fair enough pay for all I did for the Post during all that summer. I believe it was during this period that Col. Don Piatt employed me to take a sort of supervisory editorial control of his paper, The Capital, for a week or two while he was away at a watering-place. He paid me whatever I asked him, but the amount I forgot. The paper was then as now hostile to Grant.

By MR. YEATES :

Q. What was the whole length of time you were in office?—A. I do not recollect. The exact dates can be found by an examination of the rolls, which are preserved in the Treasury Department.

Q. State in round sum the whole amount of money drawn by you from the Government during your period of office.—A. I was in office in the Treasury Department some four years, from 1861 to 1865, at a salary beginning with \$1,200 a year and ending with \$1,800. I was librarian in the Interior Department from May or June, 1865, till March or April, according to my best recollection, of the following year; salary \$1,800 a year. I was appraiser of the port of Chicago for about six months during 1870-'71; salary \$3,000 per annum. Now, as I was five or six months in the Pension-Office in 1871 at a salary of \$1,200 a year, I calculate that I have received from the Government, up to the time of which the committee inquires, about \$10,000, in round numbers. And I beg leave to say that my official services during all these years have, in my opinion, been worth \$10,000. I have earned the money. The pay that I received as a laborer was probably \$200 or \$300, from which is to be deducted what I paid to substitutes; how much, I have no recollection.

Q. Did you receive pay for two offices at the same time?—A. Certainly not. I never held two offices at the same time.

Q. Did it form any part of your agreement or understanding with those that employed you, or any officers of the Government, that you were to write articles for the Chicago Post or any other newspaper favoring the administration?—A. There was not the slightest agreement between the officers of the Government and myself with this or any other object. What the understanding of others might have been I do not know. They never gave me to understand that such was the understanding.

Q. State any other irregularities that came under your observation.—A. I heard of irregularities, I presume, though I do not at this moment have any distinct recollection of them; and I certainly do not recollect any which fell under my own observation. A newspaper stated that Colonel Hinton was on the pay-roll about as I was.

By the CHAIRMAN :

Q. Is there any other fact that is necessary for the full understanding of the whole case? If so, state it in your own way.—A. I can think of no other single fact connected with the matter which would throw additional light upon the subject unless it be this, namely: That in March, 1871, I had been removed from the office of appraiser of customs at Chicago by President Grant at the instance, as I learned, of Senator Logan and Representative Farwell, of my State. I denounced this act to Logan and Farwell in person, as an outrage, and in language much more emphatic than polite. They admitted that they had done me great wrong; that they had made a mistake; and one of them went so far as to say he would have me re-instated. I peremptorily declined having him do anything about the matter. There was very much sympathy with me, especially among my friends of the press, on account of my ill-treatment, which was not at all diminished by the fact that I was broken down by overwork and was known to be poor. I presume, though I never was told so, that Mr. Blakely, editor of the Chicago Evening Post, as aforesaid, stated all these facts to General Baker, with whom I was at this time but slightly acquainted. I may also say that it has been customary for many years at Washington, and whether one party or another were in power, for gentlemen connected with the press to receive appointments about as I received mine. I have made no inquiry about it, but I presume that such is at this moment the case as to positions under the patronage of either political party. I do not state this in excuse of the irregularity in my case, but as a thing greatly palliating the offense of which I was guilty, if any. We have the authority of Macaulay for saying that a man is not subject to severe criticism for not being ahead of his times in morality. These, as I have in this examination related them, are all the facts bearing upon the matter, directly or indirectly, as they now recur to my mind or recollection.

Q. Do you know of your own knowledge of any democratic officer or administration having or keeping an officer in the employ of the Government, on salary, without doing any service therefor?—A. I do not.

4 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

WASHINGTON, D. C., *March 25, 1876*

CHARLES W. SEATON sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.—Answer. I reside in Albany, New York. I am engaged in compiling statistics of the census of the State of New York.

Q. Were you ever in the employment of the Pension Bureau of this city?—A. Yes; I was twice in the employment of the Pension Bureau. I think I first entered the Pension-Office in July, 1863, and continued there until the 1st of February, 1864. I was afterward appointed chief clerk of the Pension-Office in November, 1871, when Mr. Baker was Commissioner.

Q. Who had been Mr. Baker's predecessor as Commissioner?—A. Henry Van Aernam.

Q. How long had Van Aernam retired from office before you began your duties as chief clerk?—A. I began as chief clerk in November, 1871, and I think he had retired in the May or June preceding.

Q. After you came into office as chief clerk, were there any of the transactions in the land-department of the Pension-Office that came under your cognizance?—A. Yes. I, of course, knew about all the branches of the Pension-Office.

Q. Did you discover any irregularities concerning the issuing of land-warrants and the disposition or appropriation of them?—A. Yes, sir.

Q. Can you give the number of land-warrants that were improperly or irregularly issued?—A. I do not think I can. I know the approximate number of warrants that were issued to certain parties, and some of which warrants I had reason to believe were irregularly issued.

Q. Give the names of any parties to whom you know that warrants were improperly issued.—A. It is my confident belief that warrants were improperly issued to three attorneys.

Q. Name them.—A. Damon E. Cheney, of Orange, Mass.; William Van Marter, of Lyons, N. Y.; and N. H. Hill, of Dunkirk, N. Y.

Q. Explain wherein the irregularity or impropriety of the issue of land-warrants to these parties consisted.—A. These attorneys received a number of warrants issued on claims that had been suspended, and had been lying dormant a long time. The warrants were issued on their request to have the cases taken up. They never had any powers of attorney from the claimants in the cases, and I have reason to believe that they never had been in communication with the claimants in any way whatever.

Q. Can you tell us the number of warrants thus issued to each of those men?—A. I can tell the number which were issued during a year to those men; but I cannot say how many were irregular and how many were regular. In about a year there were about 2,300 issued to these men.

Q. What quantity of land did each one call for?—A. I speak now only of those that were full warrants of 160 acres each. I never made any investigation as to fractional warrants. I presume there were not very many of them after these warrants were issued.

Q. Do you know what was done with them?—A. I know in some cases.

Q. Give us an illustration of what you know about them.—A. I went to the Land-Office, where the located warrants are returned and are held as evidence of the location. I examined the package within a certain hundred, which contained a large number of those issued to Hill, and I ran over them and found that they had been assigned by Van Marter or Cheney as administrator. The warrants were issued to Hill as attorney, and were assigned by Van Marter or Cheney as administrator. The law provides that an administrator may assign warrants. These warrants were assigned in blank, I have no doubt, and were thus thrown on the market.

Q. Do you know at what time those 2,300 warrants were issued?—A. I should say from May, 1870, to May, 1871.

Q. Was there anything to indicate any connection between these three parties, Hill, Van Marter, and Cheney, and Van Aernam?—A. The connection between Hill, Van Marter, and Cheney was indicated sufficiently to my mind by the fact that the issues to Cheney and Van Marter, which had been running along about equally for some months, were stopped in September, 1870, and all of them after that went to Hill. The blanks are bound in volumes of 500, with a stub like a check-stub, and these stubs indicate in brief the contents of the face of the warrant, showing on account of whose service the warrants were issued, and to whom they were sent. This stub-book indicates that 42 of these warrants were sent to these two parties, Van Marter and Cheney, and that their name was erased afterward, and the name of N. H. Hill written in another State. Some of the warrants were made out for both of them, but from that day on, practically, none were sent to these parties, but Hill seemed to have succeeded to the business. The warrants that I examined were issued to Hill. The question with me was to see whether the parties were still connected. I took some warrants that were issued to Hill, and I found, as I expected to find, that the other two played the administrators.

Q. Were these letters of administration taken out usually in the same court?—A. Yes; they were taken out in some probate court in the vicinity of Van Marter's residence. I cannot speak generally for the whole of them. Some of them were taken from a court in Orange County, Massachusetts, and some from the orphans' court from Washington, and some others were taken out from New York.

Q. Did you find out whether Mr. Van Aernam, the Commissioner, had anything to do with this business, or was there anything to indicate his connection with it?—A. I never have myself seen anything to connect him with it, but I have been credibly assured that the list of dormant claims that were furnished had been surreptitiously obtained in the office. They seemed to have been prepared by somebody who had in some way access to the books. These lists were sent to Mr. Van Aernam, with the request that he should call up the cases, and that if he found them all right he would issue warrants. In some instances the cases were not called up individually, but in mass, and I am told that one of the lists has the indorsement of Van Aernam to issue those warrants without any further requirement.

Q. Where did you get that information?—A. The then chief of the bounty-land division, Mr. John Sherman, spoke of it in conversation.

Q. Did you ever see any letters between Hill and Van Aernam?—A. I saw a letter which Mr. Commissioner Baker showed me, and which he said was found in the Commissioner's desk after Mr. Van Aernam had left the office, and this letter convinced me of the connection between the parties. I cannot give the exact phraseology of it. My impression is that it was a letter from Van Marter to Hill, who happened to be in the city, as he frequently was. The letter covered a certain list, and urged upon Hill to impress on the Commissioner the importance of urgency, as he, the Commissioner, was soon going out of office and another Commissioner was about to come in.

Q. Was there anything in that letter as to the probability of their being able to control the next Commissioner?—A. I never saw the letter but once, and it is several years ago. The impression on my mind was strong at the time that there was a connection between Van Marter and Hill and Mr. Van Aernam. I do not know that Cheney's name appeared at all in the matter.

Q. What would be the aggregate amount or value of the warrants issued to these three men in that year, at the then market-price?—A. Somewhere about four hundred thousand dollars, I suppose. They were worth somewhere from \$170 to \$180 at the time—something over a dollar an acre.

Q. Was there anything on the record authorizing the Commissioner to issue these warrants to Hill, Van Marter, and Cheney, or was it done without any right at all?—A. I cannot answer for all of the warrants, but I know that in some instances nothing could be found on the record to authorize it.

Q. Was it the rule of the office to issue warrants to persons who had no authority to receive them?—A. I have been told that there was a practice which had grown up before that time that where a claim had lain dormant for a good while, and where anybody called it up who seemed to represent the claim, the warrant would be issued and sent to that party, if the claim was found to be good.

Q. What evidence have you that the list of these dormant claims was furnished from the Pension-Office to these attorneys?—A. I do not know that I can give any evidence of the fact, but, in the first place, these cases of theirs were claimed all over the country, some being in Florida and other Southern States—places where these parties were not doing business. I have got that opinion partly from the prevalent opinion in the office, and partly from my knowledge that an attempt had been made to take out of the office some sixteen volumes of suspended claims, and the man was caught in the act and the books detained.

Q. Was there more than one letter between Van Marter and Hill in the possession of Van Aernam, or in his desk?—A. There were several papers which the Commissioner, Mr. Baker, exhibited at the time, but the character of the others I have forgotten. That particular one left a strong impression on my mind.

Q. Do you know any other facts connecting Van Aernam, Cheney, Hill, and Van Marter except those which you have stated?—A. No, sir; I do not think of any others.

Q. What was done with reference to Hill's right to appear as an attorney in that office and to prosecute claims after Mr. Van Aernam went out?—A. He was suspended very soon after General Baker came in.

Q. Was he ever re-instated as attorney, or permitted to practice there afterward?—A. Yes; he was restored to practice conditionally.

Q. At whose instance was that done, and by whom?—A. It was done by General Baker, I think. I am not certain but that the Secretary of the Interior, Mr. Delano, directed it.

Q. Will it appear of record at whose instance he was re-instated?—A. I doubt whether it will; it may not.

Q. After he was re-instated were there any warrants issued to him?—A. Yes, sir; frequently.

Q. Did any transaction occur in the office in consequence of which Hill's re-instate-

ment was suspended?—A. Yes. One of those parties whose warrant had been administered on, and who was not entirely dead, called up his case. In the absence of General Baker, the Deputy Commissioner referred the case, with a pretty full statement of what he knew about it, to the Secretary of the Interior, asking instructions; and I think on that the suspension was renewed.

Q. After that time Hill received no more warrants?—A. I am not certain as to that, but I know there were some pretty stringent instructions as to what should be done in such cases.

Q. Who was the Assistant Commissioner who made that report?—A. Mr. Lockey.
Q. Was there anything more than you have indicated to connect the Secretary of the Interior with these transactions?—A. No, sir. Mr. Sherman, the chief of the bounty-land division, and who agreed with me about the impropriety of admitting these persons to practice, was a nephew of the Secretary's.

Q. Is there any way by which these warrants thus improperly issued can be, without injury to innocent parties, canceled?—A. No, sir. I suppose a large proportion of them are in the hands of innocent parties.

Q. Do you know of any of them being in the hands of the original parties?—A. There were some in the hands of the original parties. I know that from time to time we had correspondence with Mr. Hill, requesting the return of warrants which he or Van Marter still had.

Q. Have you any idea of the number of warrants that remained in the hands of Hill?—A. No, sir; I have not.

Q. Was anything ever said to General Baker concerning his duty with reference to investigating this matter at the time he went into the office of Commissioner?—A. I do not know as to that; he went into the office some months before I did.

Q. Was there anything said to him during the time you were there concerning what his duty was in reference to canceling these warrants, or prosecuting these attorneys for fraud?—A. I very frequently told him what seemed to me to be his duty. I did not venture to instruct him, but I called his attention to those matters.

Q. What reply, if any, did he make?—A. How completely he himself was in possession of all the facts I do not know. Some of these facts were inferable from the wholesale number of these assignments, but how much of them he then knew I do not know. He said that the Secretary of the Interior knew all that he knew, and that it was for him (the Secretary) to take action, or words to that effect.

Q. Was there any change that indicated a re-organization of this ring for the purpose of issuing fraudulent land-warrants during the time you were in the office? If so, what facts were they?—A. All that I can say is that I was troubled at one time for fear that something was being done to revive it. I got a very strong impression that there was. I saw little things which might give color to the belief, and I conversed with some of the parties in the office whom I trusted about it, and one or two of them assured me that they had seen documentary evidence which convinced them that my suspicion was well founded. I never saw it.

Q. Who were those persons?—A. Dr. Ewing and Mr. Lockey, the Deputy Commissioner.

Q. Did they tell you what the documentary evidence was that indicated a disposition to re-organize this ring?—A. In Dr. Ewing's case it seemed that he had gone too fast and had rather betrayed confidence; that he had gone faster than the party who showed him the paper would have wished him to do, and all that he said was that the paper satisfied him that I was correct. He tried several times to get the permission of the party who had it to let me see it, or to let me know what was in it, and he could not get the permission.

Q. Who is the party who had the documentary evidence?—A. He did not tell me.

Q. Is Dr. Ewing in the Pension-Office?—A. Yes, sir.

Q. What fact did Mr. Lockey communicate that convinced him of it?—A. Mr. Lockey would not say that he had never seen the documentary evidence. I had some suspicion that he had seen it, and he gave me to understand that there was such a paper.

Q. After Mr. Atkinson came in as Commissioner, what became of all those who had any knowledge, or who had taken any measure, or been instrumental in breaking up this land-ring; were they retained in the public service, or were they discharged?—A. I suppose that Mr. Lockey and myself were the principal obstacles to anything of the sort. We were neither of us discharged at the time. I was in consultation with Mr. Lockey always about it, and I think it was well understood by Hill and these people that I was fighting them all I could.

Q. Do you know what Mr. Atkinson's business had been before he was appointed Commissioner of Pensions?—A. He had lately been moving Indians, I think the Kickapoo tribe, from somewhere near the borders of Texas up to the Indian Territory.

Q. Do you know what position he now occupies?—A. I believe he is surveyor in the land-office of New Mexico.

Q. With reference to the granting of pensions to parties applying therefor, do you know of any fraudulent granting of pensions? For instance, do you know anything about the Baltimore case?—A. Yes; I know all about it.

Q. Give us the facts.—A. I have not thought about the case for some time, and I do not know whether I can give the circumstances connected with it. It was a case that had been rejected and rejected and rejected again, and chronically rejected, until about seven thousand dollars of arrears had accumulated. It was called up by an attorney named S. S. Henkle, of this city, who had been accustomed to practice in the office a good deal in connection with those old claims. He had been hunting in couple with one Pugh, a man who had been repeatedly suspended, and whose reputation, I had been assured, was not good. This case was called up by Henkle. I saw it lying on the Commissioner's table, and I think Dr. Ewing and I talked about it. He was satisfied, as I was, that there was no merit in the claim whatever, and we opposed it until our opposition became offensive to the Commissioner. He got up on his ear, to use a common expression, about it, and gave me a very severe rebuff.

Q. What Commissioner?—A. Mr. Baker. I felt satisfied that I was doing the right thing by the Government about it, and I went to Mr. Cowen, the Assistant Secretary of the Interior, and told him of the facts in the case, and of another case which was being urged at the same time. I had been accustomed to advise somewhat with Mr. Cowen. He told me to let him know when the case came through; but the case did not go through the regular channel, and I failed to let him know. I was told that it was signed at the Commissioner's house. It did not come up in the usual package, and seeing that it was not there, I didn't think of going to search for it anywhere else, so that I did not learn of its issue until the day after its issue. Then I went to see Mr. Cowen, and he told me that he had ordered the two cases stopped. But they had been both paid. They had been followed up very thoroughly, and paid at once. One argument that I had used with Mr. Baker was that he knew the character of these attorneys who were urging the case. Mr. Henkle had lately got religion through the interposition of Mr. Baker's nephew, and Mr. Baker had confidence in him that he would not do anything wrong; and his opinion was that the case was a good one. I was told by General Cowen that the case had been paid, and that the woman had received but half the money, Mr. Pugh, Henkle's old partner, getting the balance.

Q. Can you give the name of that case?—A. It was the case of Slaughter, a naval officer. Mr. Cowen stopped payment, and the woman returned her half to the Government. I do not know what was done with the other half. I know that Mr. Cowen wrote a letter to the Attorney-General, placing the facts before him, and requesting the prosecution of the parties. I saw the letter before it was sent.

Q. That certificate was issued out of the regular course, and, to the best of your information, was signed at the house of the Commissioner?—A. So I have been informed.

Q. It did not pass through your hands as other certificates did?—A. No; my assistant chief clerk, Mr. Week, looked carefully through the packages, as I told him that I wanted to see the certificate. He reported to me each day that the certificate was not in these packages, and I was told afterward that it was signed by the Commissioner at his house.

Q. When did this occur?—A. A few days before Commissioner Baker retired from office, which was after the appointment of his successor.

Q. What was the other case you spoke of?—A. It was the case of one Turner, a surgeon, who died of some affection of the kidneys about a year after his discharge from the service. The widow claimed that his death resulted from malarial poison contracted in the service. He was an assistant surgeon with rank of first lieutenant, and was afterward full surgeon with the rank of major, and was subsequently colonel of a colored regiment. The evidence in the case went to show that, accepting malarial poison as the true cause of Bright's disease, of which he had died, that poison occurred while he was lieutenant, which was my opinion, and the opinion of the Medical Corps. Several indorsements had been made on the case which had been rejected *in toto*, and afterward it came to Congress, and was rejected by Congress; then it went back to the Pension-Office, and was taken up. Finally they fixed upon the date when he was major as the date of the origin of the disease, although that was not my opinion nor the physicians', and I saw all the evidence—thus giving him a pension with the rank of major instead of a pension with the rank of lieutenant.

Q. What amount of arrears was paid in that case?—A. I do not know; but quite a considerable amount—some three or four thousand dollars; but I may be mistaken.

Q. Do you know when this was done?—A. It was done the same day as the Slaughter case; that was in May, 1875.

Q. What attorney prosecuted that last claim?—A. I do not know.

Q. Was it a meritorious claim on the grade of a lieutenant?—A. It was if the theory was correct that Bright's disease of the kidneys could be traced to the malarial fever, but the doctors differed about that.

By Mr. BAGBY:

Q. Do you know of any misappropriation of money by Commissioner Baker, or under his directions?—A. No, sir, I do not.

Q. Do you know of his hiring any employes for the republican congressional committee, or for any newspaper, and paying them out of the pension-fund?—A. There

8 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

were some cases of that sort, and my impression is that there were two or three persons appointed—newspaper men—who never rendered any service. There were some others who came to the office, and did more or less of work, but I cannot give their names now.

Q. Do you know of any furniture being purchased by General Baker for his own use, and charged to the Pension Bureau?—A. No, sir, I do not. There was a man named King about the office who was employed to make furniture, and who did it well, to whom I gave a good many jobs. I had ordered for my own use from him a book-case, and after he got the order, I judged from some remarks of his that he wanted to confer some sort of favor upon me, and I just let him know right away that that would not do. He said that I might not be so particular, as that was old-fashioned. A few days afterward there came in a bill of his for the making of some furniture in the office, which included a desk ordered by the assistant chief clerk for use in my own room. I was standing behind the Commissioner's desk when the bill was presented, and, remembering this remark by King, I was curious to look at the bill, and I saw that the charge for the desk was an excessive one, and I made some remark, like "Good God!" or something of that sort. The Commissioner said that Mr. Lockey had ordered some of those things; and he signed the bill and gave it to Scott, his factotum, who had laid the bill before him. I made no further remark, but went to my own desk. Soon afterward Scott came and said, "That (pointing to this item for the desk) means this frame in the Commissioner's room." The Commissioner had had his portrait painted, and there was quite an expensive frame upon it. I told Scott that he must not talk to me or let me know anything of that kind. I was wondering whether Scott was not the beneficiary, and I went to the Commissioner about it. He made some ado, and had Mr. Bond look into it, and he reported that it was all right. That is the only thing I ever saw of that kind.

Q. What was the excess of charge in that bill?—A. The desk was billed at \$135, and might be worth about \$75. I do not know who occupies the desk now. The last I knew of it was in the chief clerk's room. It was an ordinary desk, except that it had some drawers in it for the mail.

Q. Do you know of any other bills that seemed to be excessive?—A. No, sir; that is the only one that ever came to my knowledge.

By Mr. RICE:

Q. Was this picture-frame for the office, or for the Commissioner's own use?—A. I do not know what was done with the picture; it may be there now. If it was for the office, I did not see the necessity for saying that the charge was for anything else than the picture-frame.

By Mr. SINNICKSON:

Q. Of those 2,300 cases that you speak of, have you any idea how many were irregular?—A. No, sir.

Q. Do you know of your own absolute knowledge that any of them were irregular?—A. I have seen cases showing that the practice of these parties was irregular.

Q. Wherein did the irregularity consist?—A. In their not having any power of attorney.

Q. How many of such cases ever came to your own actual knowledge?—A. A good many.

Q. Name one.—A. I cannot do it; I could find plenty.

Q. Can you tell me the name of an attorney whom you found with one such case?—A. Mr. Hill.

Q. When did you ever find such a case with Mr. Hill?—A. Some time while I was chief clerk of the Pension-Office.

Q. Do you know the name of that case?—A. No, sir.

Q. Then, you are unable to name the time, place, or circumstance of a single irregular case that came to your knowledge?—A. I have no circumstance that enables me to fix the time or place.

Q. Or the name of the party?—A. No, sir.

Q. How did you find out that they had no power of attorney?—A. By the examination of the case.

Q. Then the irregularities that you speak of were not in the presentation of these cases, but in the fact that there was no power of attorney accompanying them?—A. They were dormant cases—old cases presented years before, and they were called up by these parties.

Q. I want to know whether you know of a single case of irregularity of your own knowledge?—A. I know the fact that there were a good many cases.

Q. How many?—A. I suppose twenty or thirty had been brought to my attention. There may have been more and there may have been less.

Q. What was done with those cases?—A. Attempts were made in some of them to recover the warrants, by correspondence with Mr. Hill. The correspondence in the office will furnish the information on that point. There is no trouble in getting it. It was a matter of common knowledge among the officials in the office.

Q. Do I understand you as saying that of these 2,300 cases, wherein you say warrants were issued to these three attorneys, you do not know more than twenty or thirty that were irregular?—A. Not of my own knowledge. I have not followed up the matter any more than in that number of cases.

Q. Do you know anything about the injustice or irregularity of those cases, except the fact that the parties had no power of attorney?—A. The irregularity consisted in the fact that the attorney took out letters of administration, and it came out frequently that the parties whose assets had been administered upon were still living.

Q. Do you know of your own knowledge of any such cases?—A. I do.

Q. How many?—A. A good many came up by correspondence with the office. They wanted to know what became of their claims.

Q. I want to know if you have any means of informing the committee of any particular case where letters of administration were taken out, where the man was not dead?—A. I can recall a sample case after a little. I have no doubt I could find a great many cases. I am not a willing witness in this matter, but I mean to tell the truth.

Q. With reference to that letter from Van Marter to Hill; you never saw it yourself, did you?—A. Yes; I do not think that Cheney's name was in the matter at all. I can suggest how my testimony can be thoroughly tested.

The CHAIRMAN. Suggest it.—A. I think that if you take any hundred of cases of the numbers issued in the fall of 1870, and get out the original papers and go to the located land-warrants for such of them as are to be found in the Land-Office, you will find that they were issued without a scrap of evidence to show that there was any authority to issue them to these parties.

By Mr. RICE:

Q. Of those 2,300 cases that were issued to these three attorneys in the year 1870, can you state, from the sample of the 100 that you investigated, that the bulk of that 2,300 was a wholesale fraud?—A. I do not think I have enough of evidence to be satisfied of that fact.

Q. You say that the impression and belief of Mr. Sherman, the chief of the bounty-land division, and of Mr. Loeckey, and of Dr. Ewing, and of Assistant Secretary Cowen, was that this was a wholesale swindle?—A. Yes, sir.

Q. Where is Mr. Sherman?—A. The last I knew of him he was in this city. He is the nephew of the late Secretary Delano.

Q. Would it be possible for Cheney, Van Marter, and Hill to have knowledge of the existence of all these dormant claims scattered throughout the length and breadth of the land, unless they obtained it from the Pension Bureau?—A. They might have sent agents to scour the country, and I know that they did, to a certain extent, but I do not believe that they could have got up all these claims in that way.

Q. Have you no doubt that they did receive this knowledge from the Pension-Office?—A. I believe they did.

Q. Do you think that Secretary Delano was cognizant of those facts?—A. I do not believe he was.

Q. You have answered already that you are fully satisfied that the Commissioner of Pensions, Mr. Van Aernam, was cognizant of them?—A. Yes.

Q. And was party and privy to them, and got part of the benefits?—A. You can draw your own inference as to that as well as I can.

Q. Do you know of any other irregularities on the part of Commissioner Baker having any connection with these land transactions?—A. No, sir; I do not.

By Mr. BAGBY:

Q. In your investigation of those papers which you think were issued improperly, did the name of Llewellyn Washington figure in any of them?—A. I do not recollect.

Q. Did the name of Hamilton G. Fant figure in any of them?—A. I do not recollect.

Q. Do you know whether any of the assignments were made to J. Hall Colgate?—A. I do not recollect.

Q. This operation, you think, commenced in 1870?—A. The issue of warrants to these two parties, Cheney and Van Marter, was going on pretty rapidly in March, 1870. I did not examine the books back of that date.

Q. Would the general number on the warrant be any guide to you as to what class of warrants were issued in that way?—A. No, sir. I think that about the month of March, 1870, the number of warrants reached was one hundred and nine or one hundred and ten thousand.

By Mr. SINNICKSON:

Q. Was anything done with those attorneys when these matters came out?—A. Hill was suspended.

Q. What became of the others?—A. They were all suspended. It had been done before I came into office in regard to Cheney and Van Marter, and I guess Hill had been suspended long before.

10 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

Q. Do you know how it happened that they were suspended?—A. I suppose it was on the knowledge of these facts.

Q. Could not attorneys get at the list of these dormant claims without the corrupt connivance of some one in the Pension-Office? Could they not go to the Pension-Office and ask for information?—A. No, sir; by a rule of the office such information has been always refused.

Q. Could they not get it from the rolls of the Army?—A. No, sir; they could not find out by that means that a claim had been presented. They might find out that a party had served and that he might possibly be entitled to a bounty-warrant.

By the CHAIRMAN:

Q. Do the 2,300 cases that you have named include these fraudulent cases that really existed, or was this business going on prior to the time you began to make examinations in regard to it?—A. These parties were receiving warrants before that time.

Q. And afterward?—A. I have been told that Mr. Cheney has been restored since I left the office.

By Mr. RICE:

Q. When were you appointed chief clerk of the Pension-Office?—A. November, 1871.

Q. When were you removed?—A. I was removed as chief clerk in June or July last.

Q. Why were you removed?—A. The Commissioner said that he wanted to make some changes around the bureau.

Q. Were you removed because of your knowledge of those irregularities?—A. I do not know that I was. The only reason that he ever gave me was that I was apt to meddle too much with the prerogatives of the Commissioner.

Q. Were you removed because of any irregularities of your own?—A. No, sir.

Q. Were you not removed because of your knowledge of these irregularities?—A. I do not know that I was.

Q. Do you know why Mr. Atkinson was appointed Commissioner of Pensions?—A. I do not.

Q. Do you know why he quitted the office?—A. No, sir; I have no information on the subject.

Q. Was not Mr. Atkinson appointed at the instance of his predecessor, Mr. Baker?—A. I hardly think he was.

Q. Do you know any fact going to show, or any circumstance going to show, that Mr. Atkinson was appointed for the purpose of displacing you and those parties who had this knowledge, and who were unfriendly to the existence of this ring, and for the purpose of forming another and larger ring for dealing in bonds or land-warrants in New Mexico?—A. It would be a mere inference of mine that they point in that direction. I have nothing more than a mere suspicion.

By Mr. BAGBY:

Q. You stated that on the coming in of Mr. Atkinson there was a scattering of the men who had been opposing the formation of the ring.—A. It was not immediately. It was time enough for him to have got other reasons for removing him. They were removed one at a time. Dr. Ewing is still in the office.

By Mr. SINNICKSON:

Q. Who were the men who, according to your opinion, were instrumental in breaking up this ring?—A. I guess that it got notorious and had to be stopped.

Q. Then, what do you mean by saying that there was a scattering of the men who were opposed to the re-formation of that ring?—A. I do not know that I said it. Mr. Lockey and myself are not in the office, and we were the parties who always differed with Mr. Baker as to allowing Hill and Van Marter to have anything to do in the office. It was Mr. Lockey and myself who made this presentation of the matter to the Secretary of the Interior, which led to such instructions as virtually stopped the issue of warrants to these people.

Q. Was anybody else, except yourself and Lockey, openly opposing this re-formation of the ring?—A. Dr. Ewing was well understood to be opposed to it.

Q. Has he been removed?—A. No; not from the Pension-Office.

Q. Has anybody been removed but you and Lockey, who were opposing the re-formation of this ring, if there was any such attempt to re-form the ring?—A. Mr. Penniman is another person who was removed. He was the chief of the invalid-pension office. He was deposed from that place, but he has been finally removed since Mr. Atkinson left the Pension-Office.

Q. You were asked if you knew of any facts that induced you to believe that Mr. Atkinson was intending to restore this land-warrant ring.—A. I distinctly said I did not believe anything of that sort. I have some suspicions, but I would very much prefer not to go into the question of suspicions.

By the CHAIRMAN:

Q. During the time Mr. Babson has been in that office as an employé, has he done

TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS. 11

anything that has indicated absence of ability or presence of fraud?—A. I do not know anything from which fraud in his case is inferable.

By Mr. HEWITT:

Q. What do you mean by dormant claims?—A. There were a large number of cases which I think were suspended by the war, and a good many, I think, were suspended under the law as it once stood. These were revived by a change of legislation a good many years after they had been presented, and the parties interested were ignorant of the fact that their claims were made good by a change in the law.

Q. Then you do not mean that they were claims which had been rejected by previous administrations.—A. I do not know whether any of them had been previously passed upon and rejected.

By Mr. HEWITT:

Q. You say that some of the claims issued to these three attorneys were scattered all over the Southern States.—A. Yes; my impression is that they were scattered all over the country. I presume that the greater number were New York and New England claims.

Q. You speak of one of those attorneys having administered on the estates of certain parties who were supposed to be dead. Which of the attorneys was it?—A. I think that both Cheney and Van Marter appeared in that character.

Q. You spoke of having gone to the Land-Office and noticed that a number of these warrants had been transferred by these men as administrators.—A. Yes.

Q. Do you recollect to whom they were transferred?—A. No; they were usually assigned in blank.

Q. You do not know whether any of them were assigned to any employé in the Pension-Office?—A. O, no.

Q. You do not know whether they had any interest in them or not?—A. No, sir.

Q. Do you know any fact tending to show that any person connected with the Interior Department had any interest in these land-warrants?—A. Nothing more than I have stated.

Q. Do you know any fact tending to show that any one else, excepting Commissioner Van Aernam, had any interest in these warrants?—A. No, sir; we removed one man who was suspected or known to be in collusion with these parties. His name was Webster. I do not know that it was said to him that his removal was on account of connection with them; but that was the understanding between Mr. Baker and myself. That was after I came in as chief clerk.

By Mr. RICE:

Q. Do you know when this law was made making these bounty-warrants personal property?—A. I do not recollect. 1855, 1857, and 1858 are the dates of the legislation that affected the subject.

By Mr. SINNICKSON:

Q. These parties, Cheney and Van Marter, acted in some cases in good faith, I suppose?—A. Possibly. I think it quite likely that they did in some cases. I simply know that they found it convenient to have a blank printed with Mr. Van Marter's name in as administrator.

By the CHAIRMAN:

Q. Do you know anything else that is material, indicating corrupt practices in the conduct of the Pension-Bureau or in the distribution of money?—A. I do not think of anything else.

Q. Do you know of any funds of the office being misappropriated, except as you have indicated?—A. I do not know of anything else.

COMMITTEE ON INVALID PENSIONS,
April 1, 1876.

JOSEPH LOCKEY sworn and examined.

By the CHAIRMAN:

Question. Were you ever in the employ of the Pension-Bureau of the United States?—Answer. Yes, sir.

Q. When first were you employed?—A. In 1871; June, 1871.

Q. Until what time did you remain in that office?—A. Until December 15, 1875.

Q. What position did you hold, or positions, in that office?—A. I held the positions of third and fourth class clerk and of deputy commissioner.

Q. Can you give some approach to the time you occupied each of those positions?—

12 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

A. I was a third-class clerk on my appointment in June, 1871; was fourth-class clerk some time that summer, I don't remember the date, and was appointed deputy commissioner on the 15th March, 1873.

Q. Where do you now reside?—A. I am stopping in this city.

Q. Where were you appointed from?—A. From Minnesota.

Q. What is the extent of your acquaintance with the conduct of the business, and of the duties appertaining to the different divisions of the bureau?—A. I have a general idea of the duties.

Q. Did you have any knowledge of the business of the land-division?—A. Yes, sir; some.

Q. Did you ever know a man named Seaton?—A. Yes, sir.

Q. Charles W. Seaton?—A. Yes, sir; he was chief clerk of the Pension-Office.

Q. Did you during the time you were employed in the office, know of any irregularities in the land-division, or frauds, by any person or persons, or that have occurred shortly prior to the time you went in?—A. I know of the issue of land-warrants to parties who had apparently no authority to receive them.

Q. Who were the parties to whom these warrants were issued?—A. I think, N. H. Hill, of Dunkirk, received the most of them.

Q. Of Dunkirk, New York?—A. Yes, sir.

Q. Do you know of any other parties connected with such issuance of warrants?—A. Yes, sir; there was a Mr. Van Marter, of New York, and Mr. Cheney, of Orange, Mass., who appeared as attorneys for the supposed claimants, and to whom such warrants were issued. There was also another firm to whom warrants were issued; but whether irregularly or otherwise I could not state.

Q. These issues to Cheney, Hill, and Van Marter, can you give an approximate estimate of the number they received?—A. Well, I should say something over two thousand. I don't know the exact number.

Q. What were those two thousand warrants issued for?—A. They were bounty-land warrants.

Q. What amount of land did each of these call for?—A. Warrants are issued for forty, sixty, and one hundred and eighty acres. I don't know the number of each of these grades issued.

Q. In what did the supposed irregularity in the issue of these warrants consist?—A. In the issue to these parties without regular powers of attorney, or any other evidence of their right to appear as such.

Q. Was there anything subsequently to indicate what these parties did with the warrants?—A. Nothing; only the fact that a great many complaints reached the office that they had never received the warrants.

Q. Was it conformable to the rules of the office, or to the usual method of conducting the business, to issue land-warrants to parties without powers of attorney?—A. Not since I have been in the office.

Q. Were all these warrants issued at or near the same time, or were they dispersed over a number of years?—A. They were issued principally, I think, during the years 1869 and 1870.

Q. Was there anything to indicate any connection between these three parties, Hill, Cheney, and Van Marter, in the issuance of these warrants?—A. I don't know; except that Cheney and Van Marter appeared generally as attorney and administrator, and Hill appeared as local agent here; and they authorized the office to deliver the warrants to Mr. Hill.

Q. Explain as fully as you can how these three were connected.—A. Well, Mr. Hill would enter a claim for a warrant in the name of Van Marter, as administrator of some estate, and the warrant would be issued and delivered to him, (Hill.) Then it would happen in some cases that the party in whose name the warrant was issued would make complaint that he had not received the warrant; or it would be shown that the party for whom these men appeared as administrator was not dead at all; and, of course, that the administration was not proper.

Q. With reference to Cheney, did the same transaction occur?—A. Yes, sir; then they would appear in so many different cases from various localities, with letters of administration, that it was naturally calculated to excite suspicion.

Q. Were the letters of administration granted in different localities?—A. No, sir; generally in one place. The most of them were obtained from Wayne County—the surrogate's court of Wayne County.

Q. In what State?—A. New York.

Q. Did you ever notice the letters of administration; whether they were in the ordinary form, or whether the name of the administrator was printed in the letters?—A. My impression is that it was printed, though I could not state positively.

Q. Did you ever see or know anything that would appear to connect Mr. Van Aernam, the Commissioner, with these parties?—A. I have seen an indorsement of his upon a list of cases, to issue or deliver them to Mr. Hill. These seemed to be lists of claims presented, and on these would appear Van Aernam's indorsement to deliver the war-

rants issued on these claims to N. H. Hill, Dunkirk, N. Y., and signed by the Commissioner. I do not now remember whether it directed the warrants to be *issued* or *delivered* to Hill.

Q. Would these orders be on file in the office?—A. They should be.

Q. Are you familiar with the office sufficiently to obtain a list of such issues, if you had authority to do so?—A. I could have done so at one time. If I had access to the office I could doubtless procure them now.

Q. Have you any idea of how many instances you observed these lists of claims that were so indorsed by the Commissioner?—A. I think I have seen two such lists.

Q. Were there many names on the lists?—A. Yes, sir; there were several hundred.

Q. How did that indorsement conform to the usages of the office; was it usual or unusual to make out a list of several hundred names and issue an order to deliver all the warrants to one person?—A. It never happened within my knowledge, except on that particular occasion; and that was before I was in the office. I saw the papers afterward.

Q. Did you know Van Aernam's handwriting?—A. No, sir.

Q. Did you see it frequently?—A. Yes, sir.

Q. How did this indorsement compare with it?—A. I should say it was the same.

Q. Did you ever see any letters or other writings connecting Van Aernam with these transactions?—A. No, sir. I have seen some letters addressed to the office in the usual way, but I have never seen anything addressed directly to Van Aernam.

Q. How were letters for the office usually addressed?—A. They were addressed to the Commissioner, and specifying the number of the case, &c.

Q. At what date were these letters for the office to which you refer, or this letter received?—A. I could not give the dates. I should say about 1870.

Q. What was the purport of these letters?—A. The general purport of the letters would be simply calling up a certain class of claims and asking action upon them. I never saw any letter that would indicate any collusion with Van Aernam.

Q. Did you ever see any letters or anything else to indicate any efforts or arrangements to revive this ring during the time of Mr. Baker?—A. I have seen indications of it. These parties attempted to call up the same class of claims during his administration.

By Mr. RUSK:

Q. That was during Baker's term?—A. Yes, sir.

Q. While you were deputy?—A. No, sir. That was before. That was in 1871 or 1872.

By the CHAIRMAN:

Q. What were the circumstances that indicated any disposition to revive this ring during the term of Mr. Baker, if there were any?—A. I should say that the efforts on the part of Hill to call up these claims were an indication of it. Van Marter and Cheney had been suspended by order of Secretary Delano, and were not permitted to appear in any cases before the office. Hill had also been suspended some time previously, but was restored upon the assurance that he had no partnership connection with the other parties. Soon after his restoration he desired to have the same class of claims taken up, stating that he had bought their business.

Q. Did you ever see any letter or documentary evidence that indicated any connection of Baker, or any purpose to connect himself, with this same ring?—A. I saw a letter at one time addressed to Baker, that was to some extent an indication of an attempt to connect him with it.

Q. State from whom it was, and the substance of it.—A. It was not signed; and about the substance, I cannot quote it.

Q. Give as near as possible the substance of it.

By Mr. RUSK:

Q. You say the letter was not signed?—A. No, sir. It was an anonymous letter.

Q. Was it directed to anybody?—A. Yes, sir.

Q. To whom was it directed?—A. To General Baker.

By the CHAIRMAN:

Q. Give as near as possible the substance of it.—A. Well, it spoke first of being "glad to hear of any progress in our matter;" and then went on to refer to bounty-land warrants, stating, "I think 'J.' will soon work out of it," &c., &c. "J." I should understand to mean John Sherman, chief of the bounty-land division. This letter came in a small envelope with the usual mail for the office, and the messenger was in the habit of taking the shears, when the mail was brought in, and cutting off the ends of the envelopes. He would cut the letter open and lay it down on the desk, which was the custom in the office. I opened the letters. This one I saw and read, and finding its contents as I have stated, I put it back in the envelope again. That was about the substance of it, however.

Q. About what time did this letter come?—A. It came, I think, in November, 1874.

14 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

will say further, that this letter was put in an envelope and addressed to General Baker as "private," and that was put in another and addressed to him as Commissioner of Pensions. In cutting it open the messenger had cut both envelopes, not noticing that there were two; and when I opened the letter I failed also at first to notice this fact.

By Mr. SINNICKSON:

Q. What did you do with that letter?—A. I delivered it to General Baker.
Q. What did he say?—A. [No reply audible to the stenographer was made to this question.]

By the CHAIRMAN:

Q. Was that before or after Hill's restoration?—A. It was after his restoration.
Q. How long afterward?—A. It was nearly a year, I think.
Q. Did you know the handwriting of this letter?—A. I did not.
Q. Did you know Hill's handwriting?—A. Yes, sir.
Q. Was it in his handwriting?—A. No, sir.
Q. Did you know the handwriting of Van Marter and Cheney?—A. Not well enough to swear to.
Q. Did Baker ever say anything in reference to this letter afterward?—A. No, sir.
Q. Was there any connection between Mr. Delano and this "ring"?—A. I cannot tell.
Q. Did you ever see any letter written by Delano indicating any such connection?—A. No, sir.
Q. Have you a copy of any letter of Mr. Delano in your possession?—A. No, sir.
Q. Did you ever have?—A. No, sir.
Q. Was this letter that you refer to not written by Mr. Delano?—A. No, sir.
Q. Have you a copy of the letter?—A. Yes, sir.

By Mr. SINNICKSON:

Q. Did you make a copy of that private letter?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you acquainted with Mr. Delano's handwriting?—A. No, sir; not well enough to say that it was written by him.
Q. Where was it from?—A. It was postmarked "San Francisco."
Q. Where was Mr. Delano at that time?—A. I don't know.
Q. Did any person else see that letter?—A. I showed it to Secretary Delano—that is, the copy.
Q. He did not see the original?—A. No, sir.
Q. What, if anything, did he say about it?—A. Well, the Secretary and myself had talked of this subject of bounty-land warrants, and he indicated to me that he wanted to know whatever there was in it. When I showed him this letter he seemed determined to put a stop to it, and asked my opinion as to what I considered the best thing to be done in the premises. I said I thought a Department order could be made to cover the ground so that they could not continue such practices in the office. He asked me to make a draught of an order that would cover the case in that way. I did so, and the order was finally issued, and it is in force now.
Q. What was the nature of that order?—A. That the office should not issue any land-warrants without making efforts to communicate directly with the heirs. The attorneys claimed that we had no right to go behind the action of the courts after the appointment of the administrator. But when we found that the same court appointed the same man in so many instances, I thought we had such right, and I referred the case to Secretary Delano. His answer was that we should do so. I have still a copy of the letter I wrote him on that question; and I don't know whether I have a copy of his reply or not. But I have a copy of the draught of the order.
Q. What book would we need to subpoena from the office to obtain a list of these land-warrants that have been issued?—A. You would need the book of stubs from which the warrants were cut off.
Q. How would we describe that book?—A. Simply as the book of stubs from which the land-warrants were taken. These stubs will show the number and amount of each warrant issued.
Q. For the years 1869 and 1870?—A. Yes, sir; and also 1871, you would probably require. [The witness then more fully described the books, and also the system of registering the lists of warrants which have been returned to the office, and from which record the information might also be obtained.]

By Mr. RUSK:

Q. Were you in the Department at the time these two thousand land-warrants were issued?—A. No, sir.
Q. They were issued before you went in?—A. Yes, sir.

Q. You spoke of believing a portion of them to be fraudulent. What portion of that number do you know to be fraudulent?—A. Well, I do not understand that I stated that they were fraudulent. I referred to the issue of them as fraudulent to those parties.

Q. I understand you to say that the claims were fraudulent?—A. No, sir; I do not believe the whole issue to be fraudulent.

By Mr. SINNICKSON:

Q. What portion of the whole number do you believe to have been fraudulent?—A. It is possible that a very small proportion of the whole number were actually fraudulent, but I only say that the issue of them to Mr. Hill and the others was fraudulent.

Q. Two thousand of these claims were issued?—Yes, sir; about that number.

Q. Now, do I understand you to say that the issue of these two thousand claims was fraudulent in each case?—A. No, sir; only in connection with the issue to Hill, Cheney, and Van Mater as administrators. I think their appointment as administrators was fraudulent.

Q. Fraudulent in all of these cases?—A. I could not say that.

Q. Do you know of your own knowledge that they were fraudulent; have you taken the pains to examine thoroughly these cases, or what ground have you for the statement?—A. Only from the fact that warrants were issued to these parties without proper authority in the way of powers of attorney.

Q. How many fraudulent claims were so issued?—A. I cannot say.

Q. Well, were there fifty?—A. I should say perhaps fifty were fraudulent; but I cannot fix any special number.

Q. Of these two thousand claims you only know that fifty were actually fraudulently issued?—A. I don't pretend to fix any special number.

Q. Well, about fifty?—A. There may have been as many or more; but I cannot state of my own personal recollection. The records will show the fact.

Q. What I want to know is whether the testimony you give is from your own knowledge, or whether it is mere speculation. Now, have you any information or any personal knowledge of any of these warrants being fraudulently issued, or whether there is any fraud of any kind in connection with them?—A. I simply know from the records of the office that many of these warrants were issued to Hill, and that he had no power of attorney to receive them.

Q. That he had no power of attorney for any of these two thousand warrants?—A. That I cannot tell.

Q. Do you know that he had power of attorney for any of the two thousand warrants?—A. I cannot say. The records of the office would show.

By Mr. RUSK:

Q. The records of the office will show precisely whether he had power of attorney to receive these or not?—A. Yes, sir.

By Mr. SINNICKSON:

Q. Do you know of your own knowledge that Hill had no power of attorney for any of them?—A. That I cannot state. I know that he had no power of attorney for some that he received; quite a number.

Q. Well, for how many?—A. That I do not know. I know that he had no power of attorney in some cases, for I examined the papers, but I could not state how many there were.

By Mr. HEWITT:

Q. If there were powers of attorney in these cases they should be on file with the papers in the office?—A. Yes, sir.

Q. And you examined the papers in a large number of these cases, and there were no powers of attorney with them?—A. Yes, sir.

By Mr. SINNICKSON:

Q. And you have no recollection of the number?—A. No, sir.

By Mr. RUSK:

Q. I desire to know whether there were any of these two thousand claims actually fraudulent. Were they entitled to the claims or were they fraudulent claims?

The WITNESS. Do you mean was there any just claim anywhere?

Mr. RUSK. Yes, sir.

The WITNESS. I have no knowledge of that matter.

Q. These parties Cheney, Hill, and Van Marter were the attorneys that presented these claims?—A. No, sir; they were what are termed in the office suspended claims. They had been lying in the office for ten years or more. These men came in and called up the claims without powers of attorney, but frequently appearing as administrators of a certain estate, and claiming the warrants as such administrators. Of

16 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

course the administrator would make a statement that the claimant was dead and that they had a claim against the estate. I remember one or two specially where the administrator said that he had made diligent search and could not find any heirs; and that he had a claim for about \$40 against the estate for work done and services rendered in prosecuting a certain bounty-land claim. And upon that statement he had been appointed administrator.

Q. What time was it that you called the attention of Secretary Delano to the contents of that anonymous letter?—A. I think in December, 1874, or about that time.

Q. And immediately upon calling attention to that this request to draught an order was made to you; and the order was at once issued?—A. Yes, sir; but the order, though the draught was made at once, was not immediately issued. I made the draught perhaps within one or two days after his request, and the order was issued in the following May.

Q. It was draughted in December, 1874?—A. Yes, sir; and was passed over to one of the clerks. I don't want to be positive about the dates, however.

Q. When you called his attention to this anonymous letter, that was what caused him to request you to draught an order, or the form of an order, to stop it, and as soon as it was draughted it was issued?—A. No, sir; it was presented to him in December, and I thought he intended to issue it immediately, but it was handed to one of the clerks and was not issued until May 5, 1875.

Q. What was the substance of the order?—A. That no warrants should be issued to attorneys or administrators until the office had communicated with the heirs.

By Mr. HEWITT:

Q. That was prepared in December, 1874?—A. Yes, sir.

Q. And was sent to one of the clerks and was not issued until the following May?—A. Yes, sir; I gave him the draught in person. I could not say positively what he did with it, but it was not issued until May.

By Mr. RUSK:

Q. Was there any of these warrants issued while Mr. Baker was in office as Commissioner? I mean any of these warrants you speak of as being irregularly issued?—A. I think not. There may have been two or three, but it would be a question whether they were or not.

By Mr. RICE:

Q. The bulk were issued under Van Aernam's administration?—A. Yes, sir.

By Mr. RUSK:

Q. Do you believe any fraudulent claims were issued while Mr. Baker—I mean fraudulent warrants—while Mr. Baker was Commissioner?—A. I do not believe there were any that were known to be fraudulent by General Baker.

By Mr. BLISS:

Q. Speaking of this issue of these two thousand warrants, or suspended claims, from the number that you examined and found to be irregular, do you believe that the great majority of them were irregular? I want to know from those you did examine what opinion you formed generally of the claims.—A. My impression would be that they should not have been delivered to those parties.

By Mr. RICE:

Q. Does not the wrong apply in your judgment to the delivery of them to Cheney, Hill, and Van Marter?—A. Yes, sir.

By the CHAIRMAN:

Q. You examined a number of these claims, say one hundred or more; now what proportion of those you examined did you find to be fraudulent from the best evidence you could get? Would it be two-thirds, one-half, nine-tenths, or what proportion?—A. Well, I should say that the claims were wrongfully issued in a great many instances. It was only necessary for a claimant to appear in order to get the warrant issued.

WASHINGTON, D. C., April 7, 1876.

JOSEPH LOCKEY recalled and examination continued.

The witness produced a written paper, containing statements and copies of correspondence which he desired to submit to the committee.

By the CHAIRMAN:

Q. How did you come to bring this statement here to-night?—A. I brought it in obedience to a subpoena from this committee.

Q. What is that statement, and whence do you derive the information contained in it?—A. That is a statement in regard to the issue of land-warrants from the Pension-Office, as gathered by me from examination of papers, and what I have been told by those who were in the office at the time—the traditions handed down. Part of it is from the records.

Q. Is there any portion that is from your own knowledge?—A. Yes; that is to say, portions of it are actual copies of records and facts as shown to exist by papers in the office.

Q. For what purpose did you prepare this statement?—A. I prepared it with a view to present it to the Secretary of the Interior, to give him, as I meant to do, a full understanding of the facts in the case. I would like to state to the committee that I do not bring this here except, as I have stated, in obedience to the subpoena, and I do not bring it here to put in evidence for or against any one, but simply that, for reasons satisfactory to the committee, they directed me to bring it. I present it simply for what it is worth.

The committee, after consideration, decided that the witness should himself read the statement, so as to admit of oral examination step by step.

The statement, with numerous oral additions of the witness, and the examination thereon, are as follows:

Under the act of 1855 and previous acts, granting bounty-land to soldiers who had served in the wars in which the country had been engaged, more than one hundred thousand claims were filed in the Pension Bureau, more than ninety thousand of which, from technical and other objections, were suspended, awaiting further and more definite legislation. But little was done with this class of claims until the close of the war, when the necessary laws were passed releasing them from the bar and authorizing their adjustment.

In the mean time, William Van Marter, of Lyons, N. Y., and Damon E. Cheney, of Orange, Mass., (the former having been in the employ of the Government in some capacity,) having by some means become aware of the existence of this vast number of unsettled claims, conceived the idea of obtaining possession of them and securing to themselves the proceeds thereof. The first thing necessary to the success of this plan was to get an accurate list and description of the claims, including the post-office address of the claimants.

This they probably accomplished by some arrangement with the clerks having charge of the files of the bounty-land division, who, for a certain sum per name, gave them a list of several thousand names, and of course facilitated their plans in every way possible.

The next step was to send agents in every direction to search out the claimants or their heirs, and by misrepresentation and falsehood to induce them to sell their claims for sums varying from \$10 to \$25, the agent representing himself as sent out by the Government to settle up all these old claims by the payment of the sums mentioned. He would state also that he was required to take a receipt and release, and would present printed forms for the signature of the parties. This information we get from the special agents sent out to investigate, and from the claimants and their friends, who claimed the warrants afterward. They state what papers they signed and what the parties who called on them said. In this manner they would secure any required new evidence in the claim for land-warrant, and at the same time get the signature of claimant to a blank assignment of the warrant, which could be filled out when the claim was allowed.

They would, by this process, secure a land-warrant worth in the market about \$180, and these helpless old people would be defrauded out of the difference between what they received, viz, about \$20, and the value of the warrant, viz, about \$180.

It was found in many cases that the claimants were dead, and they could find no one from whom to purchase. To meet the requirements in such cases it was necessary to have an administrator appointed, and, by a process hereafter to be explained, they secured to themselves the appointment of administrator, and the path was again clear, and their profits still greater.

In order to successfully carry out a scheme of the magnitude which this had now attained, it was desirable in some manner to secure the favorable interest of the Commissioner of Pensions. This was probably done, as the cases called up by Van Marter and Cheney were, by order of the Commissioner, made special, and by the same order, and without apparent authority other than an agreement between the parties, the warrants were sent to N. H. Hill, of Dunkirk, N. Y.

By Mr. HEWITT:

Q. How do you know these facts?—A. I know that, because I have a copy of a letter in my possession, which reads as follows:

"ORANGE, MASS., April 15, 1871.

"DEAR SIR: In compliance with a request from the Hon. N. H. Hill of the 7th instant,

18 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

I submit a list of bounty-land cases for action. I will call them up, and file the proofs, if practicable, in such cases as are incomplete.

"When issued, may the warrants be sent to the Hon. N. H. Hill?

"Respectfully, yours,

"DAMON E. CHENEY.

"Hon. H. VAN AERNAM,

"*Commissioner of Pensions, Washington, D. C.*"

The indorsement on that letter is:

"R. W., room 118. Special. H. V. A. April 18, 1871.

"Observe especially the directions about sending warrants to the Hon. N. H. Hill.

"H. V. A.

"April 18, 1871."

By Mr. SINNICKSON:

Q. That is a letter in substance requesting the land-warrants to be sent to Mr. Hill?—A. Yes; and that is the indorsement put upon it.

By the CHAIRMAN:

Q. Is the handwriting of the indorsement that of Mr. Van Aernam?—A. Yes, sir; I think so.

By Mr. HEWITT:

Q. You know his handwriting?—A. Yes, sir; I have seen it in the office.

Q. Have you seen his writing in the office?—A. Yes, sir. That letter accompanied a list of names numbering over one thousand three hundred; (I do not know exactly the number, but it was more than one thousand three hundred; I counted them myself;) and indorsed on that list was, "April 18, 1871. Observe especially the directions about sending the records in those cases to the Hon. N. H. Hill when issued, contained in Mr. Cheney's letter of 15th instant, and attached to the list, waiving further advice or requirements."

By Mr. SINNICKSON:

Q. Is that the original you have in your hand or a copy?—A. This is a copy; the original is on the back of the list, which is probably on file in the office.

Q. The original letter?—A. The original list of claims.

Q. I ask if that letter you have in your hand is a copy or an original?—A. It is not a letter at all; this is simply a copy of the indorsement on the list.

Q. What has become of the original of that letter?—A. It should be on file in the office.

By Mr. BAGBY:

Q. The indorsement on the back of the list, which indorsement you have just read, is, you say, in the handwriting of Mr. Van Aernam?—A. I believe it to be so. The list was a paper of considerable size.

Q. Did this list on which this indorsement was made give the name, the company, the regiment, and the post-office address of the claimants?—A. It gave the number of the claim and the name and the service. That I think was all. I do not think it gave the post-office address.

Q. The name and number of the claimant, and the service in which the soldier had been engaged?—A. Yes. There might have been some exceptions to that too, but that was the general form of the list. During ten months of the years 1870 and 1871, 1,913 warrants had been issued and sent to N. H. Hill, representing 298,440 acres of land. In about two-fifths of these cases, these parties had no authority whatever to call up the claim, and in many of the balances the only authority was from Van Marter as administrator. I mean by that that they have had no power of attorney or authority from the claimant. I only know that from the fact that no such document is filed in the office as is usual where an attorney appears and represents a claim.

By Mr. HEWITT:

Q. In all cases regularly filed there, when an attorney appears, he has a power of attorney, which is in writing and filed with the papers?—A. Yes.

Q. And in those cases there was no such thing?—A. That is it, sir.

The supposition that this vast number of claims could be represented by one firm, and the warrants all be delivered to one man without attracting the attention and exciting the suspicion of the Commissioner, is simply absurd; and the fact that these parties had some corrupt and fraudulent means of obtaining information from the office, is clearly indicated by the following copies of correspondence, which I will preface by saying that Buckminster is one of the men who traveled and bought up claims for this firm. I do not know really whether they were a firm; but they seemed to act together, with Mr. Hill as the local agent in this city:

"ORANGE, MASS., December 16, 1870.

"DEAR SIR: Yours of the 14th instant is just received, also your dispatch of the 15th I was not at all surprised to hear of your change. All I knew was what I gathered from your previous letter which you say was dictated by Webster. [Webster was a clerk in the bounty-land division.] I am frank to say that I was not at all pleased with some parts of the letter. The proposition, as you know, was all his own, but then it is better to let it go unnoticed. The few paltry farthings that he spoke of—I wonder at such a reference. My story would change the matter very materially.

This, of course, must not be mentioned. In entering into the arrangement with Van Marter I supposed the New England States alone would exceed New York and Ohio in numbers. As such is not the case, I do not feel disposed to confine myself to that agreement. I have sent you there at my expense, but with the expectation that Van Marter will bear one-half, and not receive more than half the benefits at least.

"I must now ask of you to see that my interests are protected. If you think it best that I should have my half, please send them along to me and make my cases as good as his. This would be no more than just. Say nothing to Van Marter that you are sending me anything more than was agreed at the time. I will have a different understanding with him when we meet. We shall probably be in Washington about the first of January. It was understood with Van Marter that I should have all Missouri cases, when I saw him in New York after I saw you. I wish you would keep an account of the number of cases which go to Van Marter and also to myself. Make three classes: Record-cases, *i. e.*, where service is reported, class No. 1; where parol proof is filed, class No. 2; and where there is no service, No. 3. You will please keep this matter all to yourself. Has Mr. W. brought you any of those Pennsylvania cases to copy? [There was a Wilson as well as a Webster in the bounty-land division.] They were called for in that first package by express. To-day is the 16th and I have received three warrants so far, which have issued this month. I suppose you will be running low for money by this time. I will send you some the first of the week. I send you a package of cases to-day to be called up for action, which you will hand to Mr. W. I will send all others by mail direct.

"Yours, truly,

"DAMON E. CHENEY,
"G. A. M.

"H. BUCKMINSTER, Esq.,

"Washington, D. C.

"Don't think I have forgotten you, Henry; will write the first moment I have to myself.

"G. A. MAYNARD."

"LYONS, April 26, 1871.

"DEAR SIR: I am just back from Chicago. I did not receive your letter of the 18th instant until Monday, the 24th instant. I was at the Sherman House all the time, and inquired every day. Of course, I have but a short time to send a list of cases for immediate action, as they are distributed and must be looked up. I will send what few I can find, and hope the Commissioner will order immediate action thereon. I will continue the search and get them all out in two days and forward memoranda. If the new Commissioner will continue the business as it has been running, and will make no changes, either in the mode of doing business or decisions, I will be very glad, and if such a course can be taken through your efforts, or the efforts of your friends, I will be willing to continue to act through you. What I desire is stability and freedom from annoyance.

"A letter came to me here from you, and as it was marked private, it was sent to me at Chicago. I have telegraphed for it and hope to see it soon.

"The list accompanies this letter, and I send also a few affidavits in as many cases. By getting these *at once* to B. L. room they might be made special if the Commissioner would so direct. I telegraphed you yesterday to meet me in depot at Dunkirk, and met instead Mrs. Hill, who said she expected you home on Saturday. I will, therefore, take the liberty to send this letter to the Commissioner direct, or rather under cover of one to him. Hoping business may move on as heretofore,

"I remain, yours, &c.,

"WM. VAN MARTER.

"N. H. HILL, Esq."

"THOS. P. GROSVENOR, }
"NELSON H. HILL. }

"OFFICE GROSVENOR & HILL,
"ATTORNEYS AND COUNSELORS,
"Dunkirk, N. Y., February 9, 1871.

"DEAR SIR: I see that there is a bill pending, relating to bounty-lands for soldiers of late war, and that it allows claimants to assign their claims. It seems to me that this

20 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

bill will materially depreciate the value of western lands. I am afraid the soldiers will assign their claims and that will make our lands of little value. I have only seen a report of it in the Tribune, and do not know whether such a bill will pass, nor the condition of the bill. What do you think of the passage of the bill with this condition? If you can, I wish you would send me a copy of the bill. How will the bill affect our lands? Will send those warrants soon. I have been unexpectedly delayed in getting them.

"Please write me.

"Very respectfully,

"N. H. HILL.

"Hon. H. VAN AERNAM."

By Mr. SINNICKSON:

Q. Where did you get that correspondence?—A. This I found in the Pension-Office, and I made the copy of it there.

By the CHAIRMAN:

Q. Whereabouts in the Pension-Office did you find it?—A. In the bounty-land division.

Q. Was it filed?—A. I can hardly tell how it came into my possession; I can hardly tell whether it was filed or not; it should be there now.

By Mr. SINNICKSON:

Q. On the files of the office?—A. Some of those letters were found in a desk that was at one time occupied by Mr. Van Aernam, and left by him.

Q. What is your recollection about that letter, whether that was found there?—A. I could not tell.

Q. After Mr. Van Aernam left the office, was not that desk occupied by another clerk before these letters were found?—A. I think so; I do not know who occupied the desk between the time that Mr. Van Aernam left it and the time these letters were found.

By the CHAIRMAN:

Q. How did you come by that letter of Van Marter's?—A. The same as the other; they were in the office.

Q. Do you know the handwriting of Mr. Van Marter?—A. No, sir.

Q. Have you ever seen him write?—A. I have never seen him write; I have seen some of his writing, though not very much; I would not know his handwriting.

Q. Did you find it as you did the other, either in that desk or in the office?—A. Yes.

Q. And it was there yet when you left the office?—A. Yes.

By Mr. SINNICKSON:

Q. I do not understand you to say that they were found by you?—A. O, no; they were handed to me by the chief of the bounty-land division; I looked over them frequently and made these copies.

Q. But as to none of these letters do you know of your own knowledge that they were found in the desk; you only know from what you heard?—A. No, sir; only from what I heard.

The following is a copy of the petition on which William Van Marter was appointed administrator in the case of Jane Taylor, widow of Nimrod:

To the Hon. LUTHER M. NORTON,

County Judge and Surrogate of Wayne County, New York:

The petition of William Van Marter, of Lyons, in said county and State, respectfully sheweth the court that Jane Taylor, late of the town of ———, and county of Coles, in the State of Illinois, died a natural death and died intestate, as your petitioner verily believes; that your petitioner has made diligent search and inquiry for a will of said deceased, and has not found any, or obtained any information that she left or ever made one; that your petitioner has, to the best of his ability, estimated and ascertained the value of the personal property of which the said deceased died possessed, and that the same does not exceed in value the sum of about twenty dollars, and consists of a bounty land-warrant claim in possession of your petitioner in said county, and worth about twenty dollars; that your petitioner has made diligent search and inquiry for the names and places of residence of the next of kin of the said deceased, and is unable to learn of the names or residences of any except the following: ———; that said intestate left her surviving no husband, descendant, or father; that your petitioner is a creditor of the estate of the intestate to the extent of forty-five dollars, for money paid and work and labor in applying for a bounty land-warrant claimed to be due the deceased.

Your petitioner prays that letters of administration may be granted to him upon the said decedent's estate, and that a citation may issue out of and under the seal of this court, requiring the above-named kindred to show cause, at a day to be specified, why administration of the goods and credits of the said intestate should not be granted to your petitioner.

WM. VAN MARTER.

Dated LYONS, *March 8, 1871.*

STATE OF NEW YORK,
Wayne County, ss:

On this the 8th day of March, 1871, before the undersigned, a notary public of the county of Wayne, personally appeared the above-named petitioner, who being by me duly sworn, did say that he had read the foregoing petition by him subscribed, and knew the contents thereof, and that the same is true of his own knowledge, except as to these matters therein stated to be information and belief, and as to these matters he believed it to be true.

J. H. CAMP,
Notary Public.

By the CHAIRMAN:

Q. How did you get that petition, as set forth in your statement?—A. I asked a special agent of the Pension Bureau, who was traveling in New York, to stop at that court and examine some of those cases. I will say, just here, in addition to that, that I have here a notice, published in the Albany papers, reading as follows:

"STATE OF NEW YORK,
"City and County of Albany, ss:

"Matthew Bray, of the city of Albany, being duly sworn, says that he is a foreman in the office of the Argus, State paper, published in the city of Albany, and that the notice, of which a printed copy is annexed, has been regularly published in the Argus once in each week for six weeks successively, commencing on the 5th day of April, 1871.

"MATTHEW BRAY.

"Sworn before me this 17th day of May, 1871.

"TIMOTHY J. DERNER,
"Commissioner of Deeds.

"The following is a copy of the notice referred to:

"The people of the State of New York, by the grace of God free and independent, to the children and heirs of the following-named persons, now deceased, and whose names and places of residence are unknown: Elizabeth Evans, William Osborne, Elizabeth Athey, Abigail Bruce, Zoliva Bowen, Frederick Billinger, Margaret Cost, William Joslyn, John McIntire, James East, Ann McCormack, Eli McVey, Abigail Lyon, Claude Campan, Elizabeth Broman, Harvey Bready, Nancy Van Schoick, David Wood, William Trader, Rachel Hackett, Polly Purkins, Hester Rowland, John J. Brower, Cornelius Barnes, Charles Scott, Harvey Bartlett, Samuel Dean, Daniel Herlinger, Eli Cook, Abigail Reed, Mary Guy, Elizabeth Small, William Lizar, Jacob Wilsey, James Pendleton, Henry Rice, Spencer Edwards, Catharine Holdridge, Mary Purdy, John Willis, Andrew B. Evans, Arnell Shepherd, Samuel W. Sherwood, George Kelley, Sally Page, Allen Ethridge, Mary Rawlings, Susan Merrill, Noel Freshet, Patience Ruland, Matthias Morse, Henry G. Walden, James McClure, Simon Root, Rufus Hopkins, Richard Willard, Reuben Randolph, Daniel Rose, Nathan Hunt, John Hunt, Thos. Williams, Cook Slocum, Polly Rockwell, Mary Stratton, John Smith, Jos. Green, Daniel H. Haight, Alexander Henry, Lyman Young, Nathan Hall, Jno. Craig, James Gibbons, Hannah Elliott, Sarah Travis, Clarissa M. Allen, Michael Rice, Effie Crane, Charles Scott, Daniel Reeves, Henry McDonell, George Sale, Elijah O'Brien, George Baxter, Henry Baker, William Parker, William Moore, David Hart, Anna Roberts, William Brown, Samuel Millet, Benj. Mills, Nathan Rawlinson, James W. Edmeston, Thomas Chamberlain, Hannah Lamring, Patience Bannister, David Rector, Ann Fayard, Mary Roberts, Elizabeth Corner, Enoch Jackson, George Stowe, Thomas Baird, John Sense, Alina Spencer, Jane Taylor, Charlotte Read, Richard Evans, Hannah Robertson, Moses Case, Russell Taylor, Sam'l Reipsnyder, Orisin Culver, Conrad Wyman, James M. Murray, John Southwick, Ephriam Haughtaling, Bartlette Searey, Mary Soule, James Campbell:

"Whereas William Van Marter, of the town of Lyons, Wayne County, New York, has lately applied to our surrogate of our county of Wayne for letters of administration of the goods, chattels, and credits of the above foregoing-named deceased persons. Therefore you and each of you are cited and required to appear at the office of the said surrogate, in the village of Lyons, in said county, on the 22d day of May, 1871, at 10 o'clock in the forenoon of said day, and then and there show cause why letters of ad-

22 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

ministration of the estate of each and every of said deceased should not be granted to William Van Marter.

"In testimony whereof we have caused the seal of office of our said surrogate to be hereto affixed.

"Witness:
(Signed)

"L. M. NORTON,
"Surrogate of the County of Wayne.

"* * the 30th day of March, 1871."

In the case of Jane Taylor, a warrant was issued and sent to N. H. Hill, for Van Marter, as administrator of the estate of Jane Taylor, July 25, 1871.

April 12, 1872, Jane Taylor made application in her own behalf.

From the above (which is a sample of hundreds of petitions on which Van Marter was appointed administrator) it would appear that the statement sworn to by Mr. Van Marter, alleging the death of Jane Taylor, was false, and that his statement that he was a creditor of the estate was also false, for he had no claim for "money paid, and work and labor in applying for a bounty land-warrant," except such claim as the robber has for the labor of cutting the throat of his victim.

He never would have heard or had knowledge of the existence of Jane Taylor except for the information surreptitiously obtained from the files of the Pension-Office, and of her death he had no knowledge, for she was not dead at the date of his statement.

From the character of the proceedings in this case, (not an isolated one,) where the parties are living, what may be expected in cases where the parties are really dead—some dead twenty years before Van Marter appears as their agent—some of them having died in Maine, some in Massachusetts, some in Georgia, some in Texas, some in California; yet we are asked to believe that this man is the chosen agent or the creditor of all these dead men.

You will find by the records of the office that those parties represented claims located in all parts of the country. Here is a copy of a letter, which is not signed by any one, but bearing the printed heading which I will read. I got this the same as I got the others.

By the CHAIRMAN:

Q. The original was on the files of the office when you were there?—A. The last I saw of it it was in the possession of Mr. Seaton. The printed heading and the letter are as follows:

[Printed letter-heading.]

"Wm. Van Marter.

Thos. D. Wakeler.

"Attorneys at law and claim agents, Washington, D. C., and Lyons, N. Y.

"They have made this business a specialty for twelve years past. They prosecute old, suspended, and rejected claims for bounty land-warrants for service in the war of 1812 and other wars. They have more records than any other persons. Rejected or suspended claims for bounty or pensions of the late war also prosecuted.

"LYONS, June 10, 1876.

"DR. SIR: I have just received your statement and Cook's statement about the claims, and now that you have agreed, I will pay. I do hope you will send me back those assignments. If you had mailed them, I would have got them ere this. I send by this mail \$250.

"Please go at once and buy the other cases, and send on assignments, for I am paying for these cases and running all the risk of ever getting them approved. I have just lost six land-warrants, sent to the Land-Office for approval.

"If you see Cooke, tell him I will send part of the drafts to him to-morrow. I will give you the Nos. and amounts, &c., now. I want you to use this money in buying the other warrants not yet assigned. Please do that at once, and get others as fast as you can, and buy them, so that if that law does pass, you will be able to save the cases bo't up to the time of its passage. *One thing more:* In all applications taken hereafter, give the post-office address in the declaration, and be sure and get it *wrong*. Then, if the office writes to the soldier, they won't get much of a reply—damn 'em. I will not send assignments for those warrants. You can draw them yourself. Be very careful and get the names precisely as in the warrants.

"Wt. in the case of John Stull, minors, is to Harriet Stull, Louis E. Stull, and William H. Stull, minors, No. 109883."

There is no signature to the letter.

By Mr. SINNICKSON:

Q. Neither is it addressed to any one?—A. No, sir; it is simply "Dear Sir." I did not see the envelope. The only thing to identify it is the printed heading.

The extent of the business finds its only explanation in the fact that Van Marter is in possession of a list of the unadjusted claims which have been filed in the Pension-Office during the last twenty years.

N. H. Hill has been the agent of this man, has received from him nearly two thousand warrants, yet he states that he had neither knowledge nor suspicion that there was anything wrong in the mode of prosecuting the claims, nor in the disposition of the warrants, and after the fullest explanation persistently asks to be permitted to continue this nefarious business. Mr. Hill has often been at the office and urged his claim and spoken to me about it.

This statement on the part of Mr. Hill does not appear to be entitled to much credit. It would necessitate an innocence and credulity not common to men of Mr. Hill's ripe experience, and in no way characteristic of him; neither is it indicated by his subsequent action in the premises.

In the year 1870 or 1871 the Secretary of the Interior, having gained a knowledge of the transaction above recited, and of the probable treachery of certain clerks in the Pension-Office, and possibly of the Commissioner of Pensions, (Van Aernam,) caused an entire change to be made, by the dismissal of clerks implicated, and by accepting the resignation of Van Aernam; and in October of the year 1870 Van Marter, Cheney, and Hill were suspended from practice before the bureau, and have so continued up to this time, except N. H. Hill, who, by most persistent efforts, aided by every influence which could be brought to bear, both upon the Secretary and the Commissioner, secured a conditional restoration upon the terms of an order I draughted.

By Mr. HEWITT:

Q. How do you know about "influences being brought to bear?"—A. I only know that, because he was at the office frequently, and Mr. Sessions called there. I will state that the first I knew of this restoration business, Mr. Hill came into my room at the Seaton House; I was in charge at the Seaton House at the time, and I either had a line from General Baker, or a messenger, saying to me to agree to some conditions upon which Mr. Hill might be restored; Mr. Hill claiming that he simply acted as the local agent of those other parties, and knew nothing of the merits of the claims, but had bought their business. Under the instructions of General Baker, I made the following memorandum, and gave it to Mr. Hill to take back to see whether it was satisfactory. This is a draught of an order or agreement I made to be submitted to the Commissioner to see whether he would restore him under these conditions. It is dated November 21, 1873, two years after his suspension. He had been continually working at it.

Q. He was persistently trying to be restored?—A. Yes, sir; he came there very frequently, and I made this out in pencil, at my desk, and read it to Mr. Hill as I went along, and we finally agreed upon it in its present shape:

"PENSION-OFFICE, November 21, 1873.

"Ordered: That N. H. Hill, of Dunkirk, N. Y., will be restored to practice as an attorney before this office, conditionally, as follows, viz:

"First. In all applications for bounty-land now on file, and pending before this office, said Hill shall, before consideration of any case, be required to present a properly-executed power of attorney, direct from claimant, bearing a date subsequent to date of this order, which power of attorney shall be in the usual form, and in addition shall fully set forth the residence and post-office address of claimant in such manner as will enable this office, if deemed advisable, to communicate directly with and fully identify said claimant; and no power of attorney or authority to act in any case given to said N. H. Hill by any party or parties, by substitution or otherwise, except such as may be given by claimant, shall be considered, or held of any value or force whatever.

"In all cases of doubt as to genuineness of any application, or any part of the evidence already filed in any application for bounty-land, a new application or such new evidence shall be required as will satisfy this office of the merit and justice of said claims, and such claim shall not be considered or acted upon until the above requirements shall have been fully complied with.

"Second. That in all cases where warrant for bounty-land is found to have been issued, and has passed from this office into the hands of said N. H. Hill, as attorney or agent, or in any manner, and has failed to reach the hands of the proper claimant, said Hill shall, within sixty days from date of a letter from this office demanding the return of such warrant, either return the same or the full market-value thereof in cash, with such explanation as he may be able to make in the premises.

"Third. In all cases where claim is made by or on behalf of the administrator of any estate, evidence shall be required, showing by what authority said administrator is appointed, and that the heirs have requested the same, and are fully acquainted with the fact of his appointment and his action in the premises. In no case shall said N. H. Hill act as the agent of, or in concert or copartnership with, any suspended attorney or attorneys in the prosecution of any claim.

24 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

"Fourth. That any attempt by or on the part of said N. H. Hill to violate, evade, or depart from the letter or spirit of the above requirements shall be deemed sufficient to warrant his immediate and permanent suspension from practice as an attorney before this office."

Mr. Hill took this brief to headquarters, and I did not have much knowledge of it from that time until, in the absence of General Baker, I was Acting Commissioner, and some of his cases came up. I did not think they were in accordance with this agreement; so I called up the agreement and signed it, and made it official by the following indorsement:

"PENSION-OFFICE, March 1, 1874.

"The above order will be in full force and effect, from and after this date, unless otherwise ordered.

"JOS. LOCKEY,
"Acting Commissioner."

By the CHAIRMAN:

Q. Had he been acting without that agreement being signed before?—A. He had been attempting to act—that is, he would send letters of inquiry to the bureau.

By Mr. SINNICKSON:

Q. But he had not been recognized?—A. He had not really been recognized at all.

By the CHAIRMAN:

Q. Had the officers recognized him prior to the signing of that, after his suspension?—A. Well, they had replied to some of his letters. I could hardly tell whether they had issued any warrants to him or not.

By Mr. SINNICKSON:

Q. Was he ever restored?—A. Yes; he was restored on those conditions, but never complied with the conditions, and consequently was not able to do much business. The conditions above mentioned were put in writing by myself in the presence of Mr. Hill, and being read to him, were assented to as fair and proper, under the suspicious circumstances surrounding the claims which he proposed to take up. He complained that those requirements were unusual and unfair; that no other attorney was limited or restricted in this way; and I said to him that I did not know of any other attorney that proposed to go into the particular line of practice that he proposed, or to take up the particular class of claims that he proposed to take up. The order of restoration was drawn on the 21st of November, 1873, and was made official March 1, 1874. This action, as it now appears, worked an almost entire suspension of the practice of Mr. Hill, as he had no knowledge of the whereabouts of the claimants, and if he had, it was not his policy to communicate with them nor enable the office to do so. After repeated efforts to resume his practice and push his claims without regard to the conditions of his restoration, he finally adopted the plan of calling up his cases through Hon. W. L. Sessions, member of Congress representing his district, and the Commissioner issued the following:

"DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,
"Washington, D. C., October 5, 1875.

"SIR: The Secretary this day directs that in all cases of land-warrants presented by Hon. Walter L. Sessions for adjustment (without reference to the attorneys) they be considered upon their merits, and without any unnecessary delay. This is in accordance with the uniform practice of the office.

"Let the order be executed.

"Very respectfully,

"J. H. BAKER,
"Commissioner.

"Capt. W. W. CASE,
"Chief of Bounty-Land Division."

In the absence of the Commissioner, the Deputy Commissioner takes his chair. Those warrants are issued by the chief of the bounty-land division, and go directly to the Commissioner of Pensions, so that the deputy commissioner at the Seaton House would not necessarily have any knowledge of them or of the issue, except as he might give it special attention during that time.

Under the above order Mr. Sessions was advised of the condition and requirements in a number of cases, and a few warrants were sent to him. On the 4th of November, General Baker being absent, I discovered that warrants were being issued and sent to Mr. Sessions wherein Van Marter was the administrator, which was in effect a re-opening and continuation of the original fraud. I immediately explained this feature of

the case to the Secretary of the Interior, who directed me to make a written statement referring the matter to him. This I did on the 5th of November, addressing the Secretary as follows:

"DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,
"Washington, D. C., November 5, 1874.

"SIR: I have the honor to submit for your consideration the following statement, and to request its return, with such instructions as you may deem proper for the guidance of this office in the premises, viz:

"On the 7th day of April, 1851, an application for bounty-land was made by Thales Huston, an attorney of Stamford, Ky., in behalf of James East, a resident of the same place.

"On the 26th of February, 1852, warrant No. 29818, for eighty acres, issued in favor of James East, and sent to the attorney, by whom it was returned to this office, February 13, 1854, with the statement that the said James East could not be found, and was supposed to be dead.

"In 1871, nearly twenty years after, one William Van Marter, of Lyons, N. Y., by N. H. Hill, an attorney of Dunkirk, N. Y., filed certificate of the surrogate court of Wayne County, N. Y., showing that he had been appointed administrator of the estate of said James East, together with power of attorney to said N. H. Hill, to demand and receive a certain land-warrant alleged to belong to the estate of said James East. Owing to certain irregularities in the prosecution of claims by said Van Marter and Hill, they were suspended from practice before the Pension Bureau, and the request of Mr. Hill that said warrant be delivered to him as attorney for the administrator was not complied with.

"In 1873, N. H. Hill was restored to practice on certain conditions, which were stated to him in writing, and agreed to by him; the most important conditions being, that he should return to the office certain warrants which had been delivered to him, but which had not reached the hands of the proper owners, and that in all cases to be prosecuted by him, as attorney, he should file a power of attorney direct from claimant, which power of attorney should bear a date subsequent to the date of his restoration, and that no papers filed by Van Marter should be accepted to establish any claim.

"These unusual and exceptional requirements were insisted upon, for the reason that Mr. Hill appeared in many cases as the attorney by transfer from the aforementioned Van Marter, whose suspension was and is still in force. Mr. Hill has, for some unexplained reason, utterly failed to comply with the conditions upon which his restoration was based, but availing himself of the courtesy usually extended to members of Congress by the Departments in responding to all inquiries in regard to claims, without the usual authority from claimants, has referred this claim with many others to the Hon. W. L. Sessions, of New York, who now calls up the case.

"In view of the length of time which has elapsed (nearly twenty years) between the supposed death of the original claimant and the appointment of Mr. Van Marter as administrator, and the probability that the soldier died beyond the jurisdiction of the said surrogate court of Wayne County, New York, and the entire absence of evidence showing by what authority such appointment was made, whether at the request of any heir-at-law or creditor, or merely on motion of said Van Marter, who is known to have a list comprising hundreds of suspended claims on file in this office, in many of which he has appeared as administrator appointed by the same court, notwithstanding the fact that the original claimants resided and died in States and Territories remote from the probable jurisdiction of said court, and that in some cases the parties are known to have been alive long after the date of the appointment of administrator, and other fraudulent practices of the said Van Marter in connection with claims for bounty-land, I would respectfully submit whether it is not within the province of this office to question the legality of appointments made by said court under such circumstances, and to require evidence of its authority to so appoint, and to require the administrator to advise the office of the names and evidence of the heirs or legatees for whose benefit a warrant was claimed.

"I inclose herewith certificates of surrogate court of Wayne County, New York, as to appointment of administrator, and a power of attorney to N. H. Hill, which will be the authority of this office to deliver the warrant to Mr. Hill, if his request is complied with.

"It may be proper to state that the certificates of the court herewith are in the handwriting of Mr. Van Marter, as are nearly if not quite all the certificates filed by him.

"Very respectfully,

"JOS. LOCKEY,
"Acting Commissioner.

"Hon. C. DELANO,
"Secretary of the Interior."

Mr. Hill and his friends continually and persistently argued that the office had no right to question the action of a court, hence this special reference to that subject; I

26 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

being unwilling to admit that the Government was to be victimized by a court of such limited jurisdiction, especially when every element of justice was so manifestly wanting in its proceedings.

To the above letter the Secretary replies, as follows:

"DEPARTMENT OF THE INTERIOR,
"Washington, D. C., November 6, 1874.

"SIR: I have received your communication of the 5th instant, containing the following statement, which you request may be returned with such instructions as the Department may deem proper to give for the guidance of your office.

"You say substantially that on the 7th of April, 1851, an application for bounty-land warrants was made by Thales Huston, of Stamford, Ky., in behalf of James East, a resident of the same place.

"On the 26th of February, 1852, warrant No. 29818 for 80 acres, was issued in favor of East and sent to the attorney, by whom it was returned to your office February 13, 1854, with the statement that East could not be found and was supposed to be dead.

"In 1871, nearly twenty years after the preceding events, one William Van Marter, of Lyons, N. Y., by N. H. Hill, an attorney of Dunkirk, N. Y., filed certificate of the surrogate court of Wayne County, New York, showing his appointment as administrator of the estate of East, with power of attorney to said Hill to demand and receive a certain land-warrant alleged to belong to the estate of East.

"Hill and Van Marter having been suspended from practice before the Pension Bureau on account of irregularities, the request of Hill for the delivery of the warrant was declined.

"In 1873, Hill was conditionally restored to the right of practicing before the bureau. One condition connected with his restoration was, that in all cases to be prosecuted by him as attorney he should file authority direct from the claimant, which should bear a date subsequent to the date of his restoration, and that no papers filed by Van Marter should be accepted to establish any claim. He was also required to return to the office certain warrants which had been delivered to him, and which had not reached the hands of the proper owners.

"These exceptional requirements were insisted upon because Hill appeared in many cases as the attorney by transfer from Van Marter, whose suspension was, and still is, in force.

"Hill has failed to comply with the conditions of his restoration, but availing himself of the courtesy usually extended to members of Congress in such cases, has referred this claim, with many others, to the Hon. W. L. Sessions, of New York, who now calls up the case.

"You add, that in view of the length of time which has elapsed (nearly twenty years) between the supposed death of the applicant, East, and the appointment of Van Marter as his administrator, and the probability that the soldier died beyond the jurisdiction of the surrogate court of New York; the absence of evidence showing by what authority such appointment was made, and the known fact that Van Marter had in his possession a list comprising hundreds of suspended claims on file in your office—in many of which he has appeared as administrator appointed by the same court—when in fact the original claimants resided or died in States and Territories remote from the jurisdiction of said court, and that in some cases the parties have been alive long after the date of the appointment as administrator, with other known fraudulent actions of Van Marter in connection with claims for bounty-lands, you submit whether it is not in the province of your office to question the legality of appointments made by said court under such circumstances, and to require evidence of its authority to so appoint, and also to require the administrator to advise the office of the names and residences of the heirs and legatees for whose benefit the warrant is claimed.

"You also inclose the surrogate certificate which will be the only authority of your office to deliver the warrant to Mr. Hill if his request is complied with.

"The body of this certificate you state is in the handwriting of Van Marter, as are nearly all the certificates filed by him in such cases.

"Responding to your inquiries under this state of facts, without referring to what the Department knows of the fraudulent practices of Van Marter independently of your statement, I have the honor to say that, in the opinion of the Department, it is within the province of the Pension-Office to question the legality of appointments of administrators under such circumstances as are set forth in your communication, and that it is also in its province to require evidence of the authority upon which the surrogate court acted in making such appointments, and to request the administrator to advise the office of the names and residences of the heirs, legatees, or legal representatives of the persons supposed to be dead, for whose benefit the warrant is claimed.

"You may also make any other like requirement which is necessary to elicit the truth, and give the office satisfactory evidence that the person claiming the warrant is honestly as well as legally entitled to make such claim.

"It is not simply within your province to insist upon these requirements, but in the opinion of the Department it is your duty to demand them. And knowing as the De-

partment does the fraudulent practices of Van Marter, and satisfied as it is of the probability of the connection of Mr. Hill with these fraudulent practices, it cannot fail to regard him as implicated in them, and hence, although his application comes through an honorable member of Congress, it is your duty to insist upon such scrutiny, and such evidence as will prevent fraud, if possible.

"It is a singular circumstance in this case, and one that I cannot omit to remark upon, that the original claimant resided in Kentucky; that his legal agent, twenty years before Van Marter's appointment as administrator, returned the warrant, saying that East, the applicant, was supposed to be dead, and after this lapse of time the surrogate court, in the State of New York, upon the application of Van Marter, appoints him administrator of the estate of this man East, who probably died in Kentucky, and the officer has no evidence that any of his heirs lived in New York, or that any one in New York represents or pretended to represent him.

"The transaction on its face is of a suspicious character, which, with the other evidence known to your office, demands the closest scrutiny, and most careful investigation.

"Very respectfully, your obedient servant,

"C. DELANO,
Secretary.

"Hon. JOS. LOCKEY,
"Acting Commissioner of Pensions."

In accordance with the instructions and suggestions contained in the letter of the Secretary above, I directed the chief of the bounty-land division to "call for the evidence on which Van Marter was appointed administrator, and the present post-office address in full of the heirs or legatees, also a statement of their relationship to soldier on whose account warrant is claimed." Many such letters were prepared and mailed to Mr. Sessions in response to his reference to letters from Mr. Hill, numbering altogether about two hundred. The exact number would be shown by the records of the office.

By the CHAIRMAN:

Q. About how many warrants were issued on Mr. Sessions's request?—A. That would be the merest guess.

Q. As near as you can arrive at it?—A. I should think not more than three or four. You see, these letters and orders kept calling upon them for the post-office addresses of the claimants, and they failed to furnish them.

Q. Mr. Sessions presented two or three hundred claims, but there were only three or four warrants issued?—A. That is all, I think. The records of the office would show the exact number.

By Mr. SINNICKSON:

Q. Do you mean he presented two or three hundred claims, or a few only?—A. He referred in letters to two or three hundred claims. Referring to Mr. Hill, Mr. Sessions always claimed that Mr. Hill was a constituent of his, and he simply wanted that his business should be attended to.

Not exceeding three or four of these letters from the bureau have been replied to in any way, and in no instance has correct and full information been given.

In the case of Jane Oreutt, No. 327393 under date of November, 1874, Mr. Hill advised the office that the post-office address of claimant was Cohise, New York. On examination of the case, it was found that Mr. Hill had previously (October 24, 1874) filed power of attorney from Van Marter as administrator in the same claim.

November 30, 1874, a letter calling for the usual information, as above mentioned, in the case of Eber Keys, was returned by the Commissioner to the bounty-land division without signature, and bearing the following indorsement, viz:

"I do not see the propriety of Mr. H.'s furnishing a new power of attorney. If one was given him in this or any other case, it ought to be sufficient.

"Vexatious requirements ought not to be made.

"J. H. B."

Mr. Case (who was chief of the bounty-land division) replied as follows:

"November 30, 1874.

"GENERAL J. H. BAKER: In preparation of these letters I am guided by the order restoring Mr. Hill to practice, which I understand to be still in force. Has it been revoked?

"W. W. CASE."

To which General Baker replied:

"November 30, 1874.

"No; but the feature requiring parties to execute new powers of attorney is absurd, and may be dispensed with.

"J. H. BAKER."

28 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

On seeing this, I addressed the following letter to General Baker :

"NOVEMBER 30, 1874.

"GENERAL : I have just seen your dispatch to Mr. Case, revoking the order requiring new power of attorney in cases called up by N. H. Hill. This re-opens all the old Van Marter cases, as Mr. Hill's power of attorney is from Van Marter in nearly every case, and generally where he claims to have original power of attorney from claimant, it is a mere transfer from Van Marter, whose name is erased, and that of Mr. Hill interlined, and this is done by Van Marter. I have examined the whole matter very carefully, and am satisfied that it is a huge fraud, and I fear Mr. Sessions is not a disinterested party. I am so sure that this whole business is bad to the last extreme, that I cannot refrain from urging you to reconsider your order of revocation, and to insist on new papers in all these cases.

"I cannot but consider this the plain and positive duty of the office, and one which we cannot afford to ignore.

"Please examine the subject.

"Very respectfully,

"JOSEPH LOCKEY.

"To General BAKER."

To which General Baker replied as follows :

"DECEMBER 1, 1874.

"MY DEAR LOCKEY : I did not see the full scope that my order gave in those cases. It was urged upon me that it was imposing unnecessary delays and obstructions upon claimants who were justly entitled, and so it would seem to one not fully posted. I did not observe that it opened that whole Pandora's box of evils. You will, therefore, see Captain Chase and send me my order in the case, and substitute the following (inclosed) in lieu thereof:

"I have no intention of facilitating, in the remotest degree, any of the bad acts of Van Marter and Cheney. But I have had so many little fights over these things with both Senators and Members of very great power, that I get nervous sometimes, and can't help it. I intend in all things to do just what is right, and yet I find that the nearer right a man does in public office, the more bitterly he is assailed.

"What objection is there to the inclosed order ?

"Truly and hurriedly,

"J. H. BAKER.

"Hon. JOS. LOCKEY."

The order referred to in above letter is as follows :

"CAPTAIN CHASE, [CASE,] *Land-warrant Division* :

"You will not require new power of attorney in land-warrant cases of Mr. Hill, except in all those cases coming from or through Van Marter or Cheney. A substantial reason exists why it should be required in those cases, but none in the cases of which I am informed. Unreasonable requisitions must not be imposed upon the beneficiaries of the Government. When there is no wrong believed, I cannot ask them for the delay, trouble, and expense of new powers of attorney.

"But in the Van Marter and Cheney cases I shall relax nothing of proper vigilance, believing it to be my duty to guard against fraud we know to exist.

"J. H. BAKER,
"Commissioner."

The above order was forwarded to Mr. Case with indorsement :

"DECEMBER 1, 1874.

"MR. CASE :

"This will exclude those 'original' cases in which the power of attorney is on a Van Marter blank and Hill is the attorney by interlineation.

"JOS. LOCKEY."

These orders were sent down to me at the Seaton House, and I sent them to the different divisions.

By MR. HEWITT :

Q. Do you know whether Mr. Baker was importuned to restore Mr. Hill or not ?—A. I know, because I have seen him there in General Baker's office, and he has frequently been in my own room in the office.

By MR. SINICKSON :

Q. You mean Mr. Hill ?—A. I mean Mr. Hill.

By Mr. HEWITT :

Q. Do you know whether he had friends that importuned Mr. Baker?—A. I do not know that I heard of any one.

Q. I do not ask you to name anybody, but I ask generally.—A. I only know the same as I know that you had a session to-day in the House. I did not see you, and was not here, only that I saw the flag flying, and had no doubt that you were there.

Q. Have you heard Mr. Baker say so?—A. Yes. I indorsed the order in the manner shown. I did that because what Mr. Hill claimed to be an original power of attorney was a power of attorney given by the claimant on a blank, with the name of "Van Marter" printed on it. They had just simply taken a pen and rubbed out the "Van Marter" and written over it "N. H. Hill," and there was no evidence of whether it was done before or after; and it being in the handwriting of Van Marter, I took it that that was scarcely an original power of attorney to Mr. Hill.

I have had frequent conversations with parties interested in these claims, especially with Mr. Hill, Van Marter, Cheney, Mr. Sessions, and Mr. Holt, (law partner of Mr. Hill,) and have endeavored to explain fully that it was only necessary for Mr. Hill to satisfy the office of the validity of the claims he desired to prosecute, and that the claimant desired him to prosecute the same; that beyond this nothing was or would be desired of him, and that all efforts to get possession of warrants without this would be useless; that somewhere on the face of the earth should be found a live man, woman, or child having a just claim for a land-warrant and desiring Mr. Hill to appear as attorney in the case, and not that he should appear simply as the attorney for a bundle of papers which had been on the files of the Pension-Office for twenty years; that I would facilitate, in every proper manner, the adjustment of any meritorious claim presented by Mr. Hill or any other party.

In every annual report published by General Baker, as Commissioner of Pensions, he has called attention to the character of these claims, and recommended some congressional action in regard to them.

I have always explained to those parties that I had no desire whatever to delay any of those claims, but desired, rather, to facilitate them whenever I was satisfied that the proper party would get the warrant; if these men had the right to practice as the attorneys. I had understood that they were not well pleased with the course that I had taken; that they had a feeling that I was hindering their business before the office. Their idea was derived, perhaps, from the fact that they had frequently come to see me and talked about it. This Mr. Holt came as the representative of Mr. Hill, and said Mr. Hill felt that he could not possibly get justice in the Pension-Office; that he could not get claims through; could get nothing done. Mr. Holt came to see what he could do about it for him. I explained then the difficulty in the way just about as I have explained it here. I used this very language, that whenever Mr. Hill should satisfy the office that there was somebody somewhere who had a claim, and who wanted him to prosecute it, there would be no difficulty whatever about it; but that I was not satisfied with his coming here as an attorney for parties when I knew he did not know anything about them until he got the evidence from the office. I had perfect confidence at that time in Mr. Sessions, and thought he was doing just as he said he was—looking after the interest of one of his constituents; and at the same time I thought he did not understand the case, and that it had not been made clear to him. He was in Congress at the time. This was April 6, 1874. I sent the following letter to him at the House of Representatives on that date:

"SIR: I inclose herewith a copy of a letter addressed to you by N. H. Hill, of Dunkirk, under date of March 6, 1875, and by you referred to the honorable Commissioner of Pensions, relative to certain claims for bounty land."

(Mr. Hill, instead of writing directly to the office, would write to Mr. Sessions, and Mr. Sessions would refer the letter, asking that the matter be taken up.)

"I also inclose a copy of the order under the terms of which it was agreed that said Hill should be restored to practice as an attorney before the Pension Bureau. This order was prepared by me in the presence of Mr. Hill, and our mutual friend, Charles Kennedy, who called at the office in company with Mr. H. The terms and conditions of the order were discussed by Mr. H. and myself, and were fully understood at the time. An examination of the two documents inclosed will show that Mr. Hill must have lost sight of every important condition contained in the order. The claims referred to in the letter herewith were filed by one Cheney, now suspended, and for whom Mr. Hill has appeared as the local agent or attorney in a large number of cases, and of whose suspension from practice, and of the circumstances which led to such suspension, Mr. Hill had such perfect knowledge as that I am surprised at his request that those claims should be considered and warrants issued on the evidence filed."

(Mr. Hill claimed that those cases were complete, and that warrants should issue. The only difficulty about that was that the evidence had been filed long ago, and under the order of his restoration he was to file new evidence where it was unsatisfactory.)

"If the evidence already filed would justify the issue of warrants to Mr. Hill, why

30 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

should the issue have been refused Mr. Cheney? In this case Mr. Hill appears as attorney only by a substitution or transfer from said Cheney. Compliance with his request would be to ignore entirely the conditions of his restoration. With the questionable character of many of the claims filed by Messrs. Cheney and Van Marter, and their more than questionable action in procuring evidence, and the unfair means often used by them for the purpose of securing to themselves the warrants issued, Mr. Hill is undoubtedly familiar. He must also be well advised of the fact that this was the immediate cause of the suspension of the parties named, and his own suspension as their local agent, and the party to whom the warrants were delivered, in cases numbering many hundreds. The allegation of Mr. Hill, often repeated, that he was acting simply as the agent of Messrs. Cheney and Van Marter, having no personal knowledge of the merits of the claims, or of the character of the evidence filed, and my confidence in the truth of his statements, led me to recommend his restoration on the conditions set forth in the order above referred to. In that order it is expressly stated that claims already filed shall not be considered, except upon the filing of new evidence and authority direct from the claimants. I can but regret that the very first action taken by Mr. H. after his restoration should render it necessary thus to revive this whole matter, which has already been a source of no little annoyance to you."

(I knew that he had been down a good many times, and had looked after things considerably.)

"You will, however, readily see the impropriety of his request in view of the terms of restoration. If the conditions of the order are to be disregarded, and are not binding upon the action of Mr. Hill, then by its terms he is not restored to practice, and cannot be recognized in any case. Any attempt to depart from or ignore any of the conditions of the restoration can only lead but to the detriment of any valid claims which he may present, which I sincerely hope will not be the case. I have taken the liberty of writing you thus plain in the belief that you have not been aware of the conditions under which Mr. Hill was restored to practice.

"Very respectfully,

"JOSEPH LOCKEY.

"Hon. WALTER L. SESSIONS,
"House of Representatives."

By Mr. HEWITT:

Q. Did you get any more applications from Mr. Hill after that time through Mr. Sessions?—A. Yes; he called up a great many last winter.

Q. Mr. Sessions did?—A. Yes, sir.

Q. You mean that there were a number of those old Cheney and Van Marter cases called up by Mr. Sessions last winter?—A. Yes, sir.

Q. Do you know whether there were any warrants issued on them or not to Mr. Hill?—A. I think there were three or four; that was the time I meant to cover by my answer when I said "three or four." I meant on these 200 references that he made. That was the winter of 1874-75.

Q. Mr. Sessions continued applying or calling up cases for Mr. Hill?—A. He referred Mr. Hill's letters to the office.

By Mr. SINNICKSON:

Q. What do you mean by "calling up letters;" how was it done?—A. Mr. Hill would write to Mr. Sessions, and Mr. Sessions would refer the letter to the office, by indorsement, calling for information.

By Mr. BAGBY:

Q. After this letter was written to Mr. Sessions?—A. Yes, sir.

Another list of bounty-land claims which have been the source of considerable unpleasant discussion in and out of the Pension Bureau are those presented by the firm of Mace & Laughton, of Bangor, Me., through one A. T. C. Dodge, of this city. Some hundreds of warrants had been issued to this firm, when, in 1871 or 1872, complaint was made to the office by Mr. Emery, of the firm of Hale & Emery, and, perhaps, by others, that the warrantees were being defrauded by Mace & Laughton in the purchase of the claims or the warrants from the claimants for the sum of \$20 or \$25; and requesting the office to take action for the protection of claimants and warrantees by the suspension of the firm of Mace & Laughton from practice, &c.

Messrs. Hale & Emery having been employed by some of the warrantees, had instituted proceedings against Mace & Laughton. This matter having been referred to me by the Commissioner for examination, I recommended the conditional suspension of the firm of Mace & Laughton, and a thorough investigation by a special agent of the office, in the following letter:

"FEBRUARY 22, 1872.

"GENERAL: In view of the fact that the Mace matter is assuming a political aspect, and will undoubtedly interest a large community in the State of Maine, especially the leading politicians and attorneys, and the additional fact that those who are pushing

this investigation against Mr. Mace outside the office are charged with irregularities nearly equal to those charged against the Mace party—it being also alleged that the attorneys before mentioned will make every effort to deprive Mr. Mace and secure to themselves the pending and prospective legal business of Mr. Mace, which they might be able to do, by solicitation, through his suspension—I would respectfully submit the following suggestions as to the course to be pursued in the matter, to show to all concerned, beyond cavil or question, that your only desire is to deal fairly with all parties without prejudice for or against any:

First. That the suspension of Mr. Mace be made temporary and special, pending the investigation, in so far that no official communication shall be had with him, or any agent for him, in any matter aside from said investigation, and that no change of attorney or supersedure in any pending claim be recognized, wherein said Mace shall appear as the attorney of record, until the result of said investigation shall be known to this office.

Second. That the agent who shall investigate this matter shall be directed to take testimony in writing, on both sides, giving each and every party in interest full opportunity to be heard in the case, taking into account the origin of the claim and the execution of the papers and the procuring of the evidence which may be admitted to establish the case; also, the full history of the custody and disposition of any land-warrant which may have been issued on account of said claim, with the amount demanded as attorney's fee, and the means taken for collection of such fee; also, that such information be procured of the action of the courts of Hancock County in the premises as may be obtained from the records thereof, and that the statements of all parties be taken in writing in regard to the case; the whole to be placed in a concise and convenient form for your consideration, when obtained.

“General BAKER.”

By the CHAIRMAN:

Q. What did you mean by the expression that this “Mace matter had assumed a political aspect?”—A. I meant simply that Mr. Hale became a candidate for Congress. I understood at the time that the Mace party were using this matter against him in this canvass, by stating that he was the man who had stopped the pensions of these old people, and prevented their getting land-warrants, &c.

Q. Mr. Hale was a member of the firm of Hale & Emery?—A. Yes; so I understood.

Q. And they were the parties who were after Mace?—A. Yes.

By Mr. HEWITT:

Q. They were representing the warrantees—the parties for whom the warrants were issued?—A. Yes.

Q. Did Messrs. Hale & Emery commence making these complaints before Mr. Hale was a candidate for Congress?—A. It was in 1872. I do not know whether Mr. Hale had been elected one term and was again a candidate, or whether this was his first term.

By the CHAIRMAN:

Q. Mace & Laughton and that party claimed that Hale tried to get their business?—A. Yes, sir; that is why I suggested that this suspension be made conditionally. In the winter of 1873-74 an agent was sent to Maine to investigate the matter. The report of this agent, J. M. Grassie, not only confirmed the charges against the firm of Mace & Laughton, especially the first-named member, as to the purchase of warrants, but stated that much of the evidence on which claims had been allowed was false and fraudulent, in that the claimants in many instances admitted that they had not rendered such service as would entitle them to bounty-land, they having simply been enrolled as minute-men, or militia, during the war of 1812, subject to call, but in many instances never actually called into service. In other cases a few days' service had been rendered, but not enough to entitle to land-warrant, the law requiring fourteen days' service. The attorneys for these claimants insisted that the muster-rolls of these companies should be accepted as evidence of service for the individuals whose names appeared thereon. This question was also referred to me for examination, I being at that time chief of the special-service division of the office. The inevitable conclusion was that each claimant should be required to prove actual, individual service; that the muster-rolls of the companies should not be accepted as sufficient evidence of service, especially in view of the statements of the claimants that they did not serve, but were only liable to be called into service during the time for which their names appeared on the rolls. This conclusion and the report of this agent were strenuously objected to by the attorneys who were suspended from practice, and by the claimants and their friends, who had been led to believe that they were entitled to land-warrants. Finally, as a kind of compromise, and at the instance of some members of the Maine delegation, (Mr. Hamlin and Mr. Hale, I think,) one J. D. Warren was to be recognized as the attorney, and another investigation was to be had. In pursuance of this arrangement, John Sherman, then chief

of the bounty-land division, was detailed to investigate those claims. During the summer of 1875 Mr. Sherman personally examined many of the claimants, and his report, in its general import, confirms the report of the former agent as to the nature of the service and the evidence filed in the claims. The report of Mr. Sherman was as unsatisfactory to the attorneys and claimants as that of the former agent, and these claims still remain, an unsettled "bone of contention" between the parties and the office.

By Mr. RICE:

Q. This brief or statement of yours was made when?—A. It has been made along within the past year and a half.

Q. It was made for the purpose of submitting to the Secretary of the Interior?—A. Yes, sir.

Q. Was it ever submitted to him?—A. It was.

Q. Was it made by you with the view of investigation, or just for the purpose of submitting it to the Secretary?—A. I became pretty thoroughly convinced that the parties who were interested in getting these warrants out of the office would also be interested in getting me out; that is the plain English of it, and I made these memorandums and this statement. It has not been of much use to me, because I got out of the office very promptly.

Q. Were you got out?—A. Yes, sir.

By Mr. YEATES:

Q. When?—A. I was requested to resign last year.

By the CHAIRMAN:

Q. By whom?—A. By the Commissioner of Pensions.

By Mr. RICE:

Q. Who was he?—A. Mr. Atkinson.

Q. At what time?—A. November 15, 1875.

Q. But you made this statement because of the extensive frauds that you were satisfied were being carried on by these parties?—A. Yes, sir.

Q. And for the purpose of having these frauds arrested?—A. That was the intention.

By Mr. YEATES:

Q. You said you sent that to the Secretary of the Interior, and it was returned without being read?—A. I gave this to General Cowen, who, I think, read it through thoroughly.

Q. Was there no action taken on it all?—A. Those attorneys were suspended.

Q. But they had been suspended long before?—A. Yes; I called the attention of the Secretary of the Interior to it thoroughly, and he issued an order in accordance with my suggestion, as I testified the other day. I made the draught of it; here is a copy of the order that was issued in regard to it. It is as follows:

"DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,

"Washington, D. C., May 3, 1875.

"SIR: For the better protection of claimants for bounty-land warrants, you will hereafter decline to deliver warrants to attorneys, agents, or others acting in their behalf, until you shall have communicated directly with the claimant, who shall be advised of the proposed issue, and whose assent to the delivery of the warrant to such attorney, agent, or other person shall be filed in each case.

"The administrator in any case will be required to file the certificate of the court from which he has received the appointment, setting forth the date and place of death of the original claimant, the age, names, and places of residence of all the heirs-at-law, and their relationship to the claimant; also, the ground of his appointment, whether as an heir-at-law or a creditor of the estate.

"In every case where there are heirs of the claimant you will inform each heir of the issue of the warrant.

"This order will take effect upon the revocation of the order of this Department suspending the issue of bounty-land warrants, made on the 10th ultimo.

"I am, sir, very respectfully, your obedient servant,

"C. DELANO,

"Secretary.

"The COMMISSIONER OF PENSIONS."

Q. That order was made after you had submitted to the Secretary of the Interior the paper that you have read?—A. Well, it was before it, but after I had addressed my letter. I had written to the Secretary, and had frequently talked with him in regard to the whole matter. He asked me what could be done to prevent this thing, and I told him what I thought.

Q. Was this order all that was done in relation to these matters?—A. That was all I

know was done. I thought an order could be made, I told him, that would cover the ground and prevent the improper use of warrants, and he told me to make a draught of an order, which I did in December; and that is the order, in very nearly the same words as I gave it.

By Mr. RICE:

Q. Is that all the action that was taken?—A. That is all that I know of.

By Mr. YEATES:

Q. I understood you to say, a while ago, that you had in your mind the idea that those parties that you were trying to expose would get you out?—A. Yes.

Q. I want you to state whether you know of any acts on the part of these parties, or any interference on their part with any Government officers here in your Department, to get you out?—A. I do not.

Q. You do not know anything about that?—A. No, sir.

Q. Have you any knowledge of why you were turned out?—A. No; I do not know exactly why I was turned out.

Q. Have you any information on the subject? If you have, I want it.—A. I was requested to resign. I received a note from Mr. Atkinson, which read as follows:

"I am directed by the Secretary of the Interior to request your resignation, to take effect upon the appointment of your successor.

"H. M. ATKINSON."

I called upon Mr. Atkinson and asked him what the difficulty was; he said that the Maine delegation had recommended the appointment of Mr. Babson, and the Secretary had conceded it to them.

By Mr. SINNICKSON:

Q. What Secretary was that?—A. Secretary Chandler; this was very soon after he took charge of the Department. I asked Mr. Atkinson if he had any voice in the matter, and if he was satisfied to have it so, or wished to have it so. He said that there were a few reasons (or one or two reasons) why he would be willing to have the change, though he thought he would not have mentioned them if the matter had not come up just as it did. I asked what they were. He said that he had been led to believe that there was a conspiracy on the part of Mr. Seaton and myself to interfere with his administration in the office and to defeat his plans; that was one thing. I said that, so far as that was concerned, I would just simply say that there was nothing of it; Mr. Seaton and I had been friends before he came there; Mr. Seaton was chief clerk, and I would be glad to have him remain so.

Q. Did he refer to what plans he meant?—A. No; he did not say what plans. said he had a right to make a change in the chief clerk, and I presented no objections; but I did not understand that for that reason I could not be a friend of Mr. Seaton's, or that we could not meet and speak on the street, or anything of that kind; that so far as any conspiracy or any understanding of anything of the kind was concerned, there was nothing of it. That is all I had to say on that subject. I asked him then what other thing there was; he said that while he was West some of his private mail had been opened, and he did not like that. I said that perhaps one or two letters had been opened, but it was by the merest accident, and that they had been safely taken care of; and he said that he had given orders to Mr. Rother to get his private mail and take it to his room, open it, and make proper disposition of it. I explained to him that after he went away, perhaps the day after, Mr. Rother went to the mail room, as I was informed, and said that he was to have the private mail, or the "small letters," to take to Mr. Atkinson's room to be opened. Mr. Gitt, who was in charge of the mail-room, came up to see me about it, and wanted to know if he should deliver those letters to Mr. Rother, and I told him to give all those letters that were private, or those that appeared to be private, to Mr. Rother, and to be careful about it; but as to the rest of the mail, to open it as usual. Hundreds of letters would come to the office in small envelopes, and, as I understood it at the time, he thought himself entitled to all these. I did not consent to his taking all these letters to Fourteenth street to be opened. Mr. Gitt came to me again, and I told him to send to my desk all those that were private, or that appeared to be so, and I would send them to Mr. Atkinson's room, and they could send back any that were evidently belonging to the office. We did so. It happened, I suppose, that two or three letters that were private got opened, and it happens almost daily. Letters come addressed to the Commissioner of Pensions by the hundreds, marked "private" sometimes, and sometimes not. They are opened there. If they are marked "personal," plainly indicating a private letter, they are not opened. I do not know anything about the contents of those that were opened. I kept them and delivered them to Mr. Rother; I delivered them to Mr. Rother until within a few days of the time I expected Mr. Atkinson to return, and then I put them in a drawer and kept them for him.

34 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

By Mr. YEATES :

Q. Did he urge any other reason ?—A. He did afterward. After two or three weeks I heard a rumor on the street that I had been improperly purchasing furniture, or something of that kind. I did not much believe that. I thought it was a rumor, such as there are hundreds of all the time floating about, and did not pay much attention to it until a friend of mine came to me and said he was satisfied that there was such a charge, and that I ought to inquire into it. I went to see Mr. Chandler, and asked him if there was such a thing; he said there was; told me there was something about charges for a desk-top—that in some bill a desk-top had been charged at \$35, and that an exact duplicate of that desk-top was charged in another bill at \$25. I said my recollection was that I never bought any such a thing as that, but if I bought any, the records of the office would show. I went to see Mr. Atkinson about it, and he stated that he had observed that a desk-top was charged in one bill at \$35, and that at later dates they charged them at \$20; they came from the same house, he said, and from the same firm, and that they were the same thing. I said to him that I had no doubt that was true, for the reason that six of these desk-tops were purchased under an order from General Baker, and the price was fixed in that order at \$35; that price was paid for them. I had refused, in at least twenty instances, to buy any more of them, because I said I considered it too much, altogether. While Mr. Atkinson was away, however, I was again at headquarters, as Acting Commissioner, and in my absence Mr. Babson bought one or two of them. Mr. Atkinson told Mr. Clark to go around to the different furniture dealers and see what those things could be bought for. I did not know anything of it at the time, but heard of it afterward. He went to the different dealers and found the least price for which they would furnish them, and told them that he would patronize the man that charged the least price. He had got those desks and desk-tops. He got the lowest bids he could get, and when the furniture-men found he was doing that, they began to cut under a little. Finally, a man named Dunn, I believe, (as I afterward learned,) said he would furnish the desks at \$30, and the desk-tops at \$20. Mr. Clark went to Moses, (this is information that I got on the subject afterward,) and told Moses what efforts had been made and what prices had been obtained, upon which these parties were willing to supply desks and desk-tops. Moses said he would not allow that trade to be taken away from him on competition, no matter what the figures were. He would furnish desks, he said, for \$30, and desk-tops for \$20. That was all satisfactory. They were purchased for that price, and they were the same thing exactly. But by the same process they could be purchased for \$10. That is a kind of competition that I never appreciated, because we know perfectly well that if a man furnishes an article for less than it is worth, he will make it up on something else by charging more than it is worth. Dunn, undoubtedly, was willing to furnish them at that price. I saw Moses afterward and spoke to him about it. I said, "How is this that you have been charging \$35 or \$40 for a desk that you can afford to furnish for \$30?" He said he would furnish them as low as any other man in the city, but he would not give up the trade on competition at any price; he would furnish them at the price mentioned, or he would furnish them at any price, and he'd "be damned," he said, if he would not give them as a present to the office rather than have the trade taken away from him.

Q. Did you explain this to Mr. Chandler?—A. I explained it to Mr. Cowen, and asked him to explain it to Mr. Chandler.

Q. Was this satisfactory to Mr. Cowen?—A. It seemed to be. This was two or three weeks after my resignation.

Q. Were these all the objections you ever heard urged against you?—A. No, sir.

Q. Were any of them connected with your transactions in regard to these land-warrants?—A. If the committee will permit me I would like to refer just a little further to this furniture business. I shan't be long. I am going to refer to Mr. Atkinson's testimony. He says that it was the custom prior to that for the Deputy Commissioner, as superintendent of the building, to make all the purchases; that is, he gave orders to the parties with whom he had arrangements for making the purchases and who furnished the supplies. He says, "At the end of a certain time they would bring in their bills, &c. I did not approve of the system, but thought it rather a loose manner of doing business, and I required requisitions to be signed by the chief clerk, and on his attaching his initials to them, certifying that the articles were needed, I would approve them; thereupon the purchase was ordered to be made in the open market at the lowest price attainable. The chief clerk, in pursuance of those instructions, made purchases from the same houses that we had previously made purchases from, under the old system, and we have purchased goods at from 20 to 50 per cent. cheaper since that arrangement than we had purchased them previously."

I want to say in reply to that, that I probably did not purchase 20 per cent. of the articles purchased.

Purchases were made by the Commissioner, by the chief clerk, by the acting superintendent, in my absence at the Seaton House, and sometimes by others. For instance, a man who wants a desk or chair would get an order and go and get it himself; and as

to giving orders on the parties "with whom he had arrangements," I never had any arrangements with anybody whatever. The office was purchasing with this party when I came into it, and so I continued, as I had no reason to change. Mr. Atkinson says he ordered the articles to be purchased in the open market. The purchases were always made in the open market. As to purchasing goods from 20 to 50 per cent. cheaper, I do not think they do it; but if they do, I am perfectly satisfied with it, and was so at the time, though I do not like that kind of business. I think the Government would fare better by the exercise of a reasonable discretion as to quality and price.

[Reading from the testimony of Mr. Atkinson:]

"Q. What has that to do with the removal of Mr. Lockey?—A. I was going to state that Mr. Lockey protested against the change of system of making purchases; and after the change had been made, and I found that we had been paying too much, it struck me as rather singular that Mr. Lockey should have protested so strongly against the change. I wondered why a public officer should consent to pay from 20 to 50 per cent. more for articles required than the regular price. These and other matters induced me to desire his resignation."

The stationery-clerk had been in the habit of making orders for purchases and bringing them to my desk for signature. It happened that he came to my desk one day and had some of those orders in his hand, and I supposed he was going to give them to me to sign; I said, "I will sign those;" he said, "No, I have to take them to the chief clerk now." That was new to me, and so I said, "Is that the order of the Commissioner?"

By the CHAIRMAN:

Q. Who was the Commissioner—Atkinson?—A. Yes. He said, "Yes." So I wrote this letter to Mr. Atkinson and sent it by Mr. Frost:

"JULY 29, 1875.

Hon. H. M. ATKINSON,

"Commissioner:

"I am informed by Mr. Frost, stationery-clerk, that he is directed by you to procure the signature of the chief clerk to all orders for purchases of every kind hereafter, instead of mine, as heretofore. I have no desire to have the order changed, but owing to the inconvenience it will occasion, and the fact that you did not mention it to me, I thought possibly you had not fully understood the matter. Please answer by indorsement.

"Very respectfully,

"JOSEPH LOCKEY."

Mr. Atkinson says on the back:

"JULY 29, 1875.

"Respectfully returned with the remark that the accounts being kept here is the reason why I directed the change. It was not intended to reflect upon you, but simply to put the business in the proper channel, as in all other bureaus.

"H. M. ATKINSON,

"Commissioner.

"P. S.—I intended to have spoken to you about this matter, but it slipped my memory.

"H. M. A."

By the CHAIRMAN:

Q. Is that indorsement in the handwriting of Mr. Atkinson?—A. Yes.

Q. And the other is the original letter you wrote?—A. Yes; they are both on the same sheet. The next time I saw Mr. Atkinson he assured me, in addition to this, that he did not intend any such thing. I said to him that I thought that would be accepted as a withdrawal of confidence, on his part, in me, and in that view I did not appreciate it very highly. He repeated what he said in the indorsement, and said it was simply to have everything in proper order; but in order to have everything satisfactory, I could sign the papers in the Seaton House, and then send them to the chief clerk and he would sign them, and then they would be sent to Mr. Atkinson and he would approve of them. That I objected to; I said I had no objection to Mr. Clark making the purchases, but that I would not consent to have my indorsements and orders reviewed by a chief clerk, who was a subordinate. He could make the purchases, and it would be entirely satisfactory to me. That is the only protest I ever made, or reference I ever made, to the subject.

By Mr. YEATES:

Q. I wish to ask whether you received any information that your removal was connected at all with your interference with these men about their bounty-claims?—A. I never have.

By Mr. SINNICKSON :

Q. You spoke of two or three of these land-warrants having been issued after Mr. Sessions had been written to?—A. Yes, sir.

Q. Were those properly issued, those two or three?—A. I think they may have been properly issued, but I do not think they should have been delivered to Mr. Hill. They were sent to Mr. Sessions with the idea that he would give them to Mr. Hill. He called up the claim as a member of Congress, and the claim being perfect, I suppose the warrant was sent to him.

By Mr. HEWITT :

Q. He seemed to be acting for Mr. Hill?—A. That was the understanding I had.

By the CHAIRMAN :

Q. Do you know whether any of these land-warrants that had been issued to any of these parties (that seemed to be fraudulent warrants) were warrants in which the land was located in favor of Mr. Van Aernam?—A. I do not. I have never examined the subject at all in that direction.

Q. Do you know whom any of these warrants were located for; did you ever examine in reference to any of them?—A. I never did. That would probably appear in the Land-Office, but I never went there for that purpose.

Q. With reference to any furniture bought by General Baker shortly prior to his leaving the office, do you know anything about furniture bought for his own individual use that was paid for by Pension Bureau funds?—A. I do not.

Q. Do you know anything about the purchase of a large amount of furniture by General Baker, at any time while you were in the Pension-Office, which was taken to his own house and there appropriated?—A. I do not.

Q. Was there any letter that came to the office for General Baker, of which you have a copy, from San Francisco, or elsewhere, indicating the revival of that former ring for the issue of fraudulent land-warrants?—A. There was a document came addressed to General Baker.

Q. Have you got a copy of that document?—A. Yes, sir.

Q. I wish you would please read it.

The WITNESS, [reading:]

"Private.

"FRISCO, Nov. 1, 1874.

"My DEAR GENERAL: Yours of the 6th overhauled me here. I am glad to hear of any progress in our mutual matter. I think 'J' will soon work out of it, and then we will get things under weigh; but be sure and get the right man in his place. Tell Sessions that, owing to our arrangements, the Secretary is disposed to help him out. I will write him to-day. When I come on we will have the thing put in writing, so they cannot get away. Have nothing now but a verbal understanding; good enough until business commences. I had it all arranged to have that order revoked till Sessions should present the case, about July; but as it done? Was any arrangement made about the indorsement on the back of the warrants? If so, he must have sold a good many. By the way, I want a copy of those books when I come. Do not let any one have them. Will be in Washington all the month of February. Do not mention this to any one. Write me if you want me sooner. Have had a glorious trip. The party return to-morrow, except self and wife. Got badly stuck on U. P. Can see no way but to hold on. Hope you did not invest."

Q. How did you come by that copy? Give us the history of that letter as far as you know it.—A. It was the practice of the messenger at the Pension-Office to take the mail that comes to the Commissioner's desk and, with a pair of shears, cut off the ends of the envelopes, and frequently to draw the letter out a little, and put it down again. He did so habitually, every morning. And this letter came into my possession in that way.

By the CHAIRMAN :

Q. To whom was it directed?—A. Gen. J. H. Baker, Commissioner of Pensions.

Q. What capacity were you acting in at the time it came into your possession in that way?—A. I was Acting Commissioner.

Q. Where was General Baker?—A. In the West, I think.

Q. Do you know in whose handwriting that letter was?—A. I do not.

Q. Were there any friends or relations of the Secretary of the Interior in San Francisco at or about the time of the writing of that letter, or had you reason to believe them there?—A. I did understand that his son was in the West, somewhere.

Q. Who was Secretary of the Interior at that time?—A. Mr. Delano.

Q. What was the son's name?—A. John Delano.

Q. Had you any knowledge from which you could know, or infer with propriety, who the J in that letter referred to?—A. Probably John Sherman.

Q. Why would it probably refer to John Sherman?—A. I should guess that from

the fact of its being the first initial of his name, and he being chief of the bounty-land division.

Q. What was his character as such officer?—A. I considered him entirely upright.

Q. Was he an obstacle in the way of fraud, or was he a man who would aid in its perpetration?—A. He was thoroughly upright, and, consequently, could not aid fraud.

Q. What principles did he develop in his business, and what sort of man was he as compared with others?—A. He had been chief of the division for two or three years, or perhaps more. He was a fine man.

Q. Was he removed?—A. He resigned, as I understand, of his own accord.

Q. How soon after that letter?—A. It was 1875, as I remember, when Mr. Sherman left the office—the summer of 1875.

Q. Was there only one envelope around that letter, or were there two?—A. There were two envelopes.

Q. Just describe them.—A. One was inside the other. The outside was addressed to General Baker, Commissioner of Pensions; and the inside to J. H. Baker, private.

Q. Was there any mark on the outside one of "private"?—A. I don't remember that there was. Both these envelopes were cut at the same time.

Q. At the time you read the letter, was there anything to indicate to you that it was a private letter? Did you know it was private at the time you first saw it, or did you only find that out afterward?—A. I found that out afterward. I didn't know that there were two envelopes until after I had read the letter.

Q. Why did you take a copy of it?—A. I thought it indicated, possibly, that there might be some disposition to continue this land-warrant business.

Q. Did you submit the fact that you had taken a copy of it, or did you give notice of it to any one?—A. I gave notice of it to Secretary Delano.

Q. After you had thus opened and read the letter and taken a copy of it, to whom was it delivered, if any one?—A. I put it in a bunch of letters and delivered the whole to General Baker.

Q. Did you ever have any communication with him concerning it afterward?—A. No, sir.

By Mr. HEWITT:

Q. Did he never say anything to you about it?—A. No, sir.

Q. Never had any conversation with him about it?—A. No, sir.

By the CHAIRMAN:

Q. You say you did not know the handwriting?—A. I did not know it.

Q. Did you ever see any handwriting of any persons in the office—did you ever see John Delano write?—A. I do not know that I ever did.

Q. Did you ever see his handwriting?—A. I think I have seen it, but I would not know it.

Q. And you have no recollection on the subject as to whether it is like his or not?—A. No, sir; not enough to be willing to say. I have seen but very little of his handwriting.

Q. What did Secretary Delano say when he saw the letter?—A. Well, I can hardly remember.

Q. Did you show him the original or the copy?—A. The copy.

Q. You never showed him the original?—A. No, sir.

Q. Was there any person else who saw the original besides yourself?—A. I think not, sir.

Q. Did Dr. Ewing?—A. I don't know whether he did or not, but I think not.

By Mr. RICE:

Q. Did Mr. Seaton?—A. No, sir.

Q. Did you show Mr. Seaton this copy?—A. No, sir.

By the CHAIRMAN:

Q. Did you ever see anything besides this letter that indicated a disposition to re-organize this bounty-land ring, as it appeared?—A. Nothing except what I have stated.

Q. Do you know what Mr. Commissioner Atkinson's vocation was before he came into office?—A. I understand he was employed in the Indian Bureau, and was located in New Mexico.

Q. Do you know where he has been sent since?—A. He has been appointed survey or-general of New Mexico.

Q. Do you know whether his appointment was secured principally or partly through Mr. Sessions?—A. I don't know anything about that. I will just say here that Secretary Delano, when I showed him this copy—I think it was then—said to me, "I rely upon you to prevent the consummation of this thing, and if you don't do it you are not the man I took you for."

Q. After Mr. Chandler came in you were removed?—A. Yes, sir.

Q. Was there in that letter—in its internal composition—anything which would indicate to you who its author was?—A. No, sir.

28 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

Q. Did you ever have any knowledge of Mr. Baker's writing any letters of which that would seem to be the response or counterpart?—A. I never did.

Q. What was the postmark of that letter?—A. It was postmarked "San Francisco."

Q. How did the postmark correspond with the date of the letter; was it at or about the same time?—A. I could not tell.

Q. But it was postmarked San Francisco?—A. Yes.

Q. Is John Delano married?—A. I think he is.

Q. Was he married at that time? The letter speaks of the "wife" of the writer.—A. I think so; but I do not know.

Q. Was Mr. Hill restored at that time—about that time, or before it?—A. It was before.

Q. Mr. Hill had been restored before that?—A. Yes.

Q. The letter from "Frisco" is dated November 1, 1874; and the order of General Baker revoking the suspension of Mr. Hill is dated November 30, 1874. Can you tell me what time that letter was received, with reference to its date—how soon after its date, apparently?—A. I cannot tell the exact date; it was in the early part of November.

Q. Was it the ordinary time of the transmission of a letter from San Francisco, about?—A. I should think so.

Q. How soon did Mr. Baker return home after the time that the letter was received?—A. My impression is that he returned home about the middle of the month.

Q. About the middle of November?—A. Yes; but I may be a few days out either way.

Q. What was Babson's experience and knowledge of the general duties of the office, with reference to his fitness to supply the place of the Assistant Commissioner of Pensions? Were his qualifications eminent for that position, or otherwise?—A. I should say they were very good. He had been in the office a long time.

Q. What were his abilities, as shown in the office, before he became Assistant Commissioner of Pensions?—A. I considered him a very competent chief of the division of which he had charge.

Q. Had he knowledge of the business, outside of the matter of which he had charge, to any extent?—A. I think he had, because he had been formerly in other parts of the office.

Q. The ground of your removal in the first instance was that the Maine delegation urged the appointment of Mr. Babson in your stead, and you were therefore removed?—A. That is what I understood from Mr. Atkinson.

Q. What relation is Mr. Hale to Mr. Chandler? Do you know?—A. I understand he is son-in-law of Mr. Chandler.

Q. Is Mr. Babson his special *protégé* or not?—A. That I don't know.

Q. Is there anything that you desire to explain, in order to give us full information as to anything in connection with this matter, that now occurs to you?—A. I think not.

Q. Or is there anything that has been only partly told and not fully explained? If so, state any fact that now occurs to you which has not been fully developed.—A. I don't think of anything.

By Mr. SINNICKSON:

Q. I would like to ask about those first letters—whether you know where they were found—those letters relating to the Van Aernam matter?—A. I do not know exactly where they were found.

By the CHAIRMAN:

Q. Do you know of any person hired with Pension Bureau funds, with the consent of the Department, to do work outside, such as work for the republican committee or running a republican newspaper, or anything of that kind?—A. I understand that Mr. Stiles served on the committee, as he has testified before this committee.

Q. Do you know of any person except him?—A. I understand that Mr. Caffrey was also working for a committee.

Q. What was he at—working for the committee or on a newspaper?—A. I don't know.

Q. Do you know anybody but Caffrey and Stiles?—A. No, sir. I might not have information on that subject, for they would be detailed by order of the Commissioner.

Q. The fact might occur and you not know of it?—A. Yes.

Q. The facts that you speak of occurred after Mr. Atkinson came in?—A. Yes.

Q. Are there any suggestions that, from your experience, you could give to the committee with reference to changes in the pension-laws or bounty-land laws, which have not been already made, and which would tend to prevent the perpetration of any frauds existing or which might be brought to exist?—A. I don't know whether any changes have been made.

Q. The changes that have been made, so far as I now recollect, that are material to this point are, that these bounty-land warrants have been made really instead of

personalty; and the statute of limitations, with reference to frauds perpetrated upon this Pension Bureau and bounty-land department has been extended to five years instead of two. Do you think of any others?—A. I should think it better to repeal the law which allows the legal representatives to complete a claim and demand a warrant, because there is no fixed interpretation of the term "legal representatives." The administrator of the estate might get a warrant and be acting honestly, and might give the warrant to the heirs of the soldier, to the latest generation. My idea would be, that it would be well to put a limitation upon the issue of warrants at all, and especially as to their issue to administrators. It frequently happens that a land-warrant is given to the heirs of soldiers—people who not only never cared for them, but never suffered anything in the war, and only know of it as a matter of history. I should think it would be better to prevent the possibility of perpetrating these frauds, than it would be to extend the time within which you might catch thieves who perpetrate them.

By Mr. HEWITT :

Q. I want to know if it is the custom to assess the employés in the Department for political purposes?—A. I only know of a list having been sent about, last summer, to which the clerks subscribed.

Q. Were they not compelled to do so?—A. I don't think they were. I suppose they understood that it would be a good idea to do so.

Q. It was expected of them?—A. Rather expected, I should say.

Q. I wish to know about what this assessment will amount to—what per cent. upon their pay?—A. About 1 per cent. That was about the percentage that most of them paid.

Q. Uniformly?—A. There was considerable uniformity. It was not universal. Some paid \$5 and some \$10 who received the same salary.

Q. I say uniformly as to salary.—A. Well, some may have paid \$10 who were receiving a salary of \$1,200. Another man getting the same salary may have only paid \$5. I never knew of any objection made to that.

By Mr. RICE :

Q. Do you know whether or not Mr. Cheney was restored to practice before the bureau; if so, when?—A. I think he was; about the 1st of November, 1875.

Q. Did he continue in practice?—A. He was before the office as an attorney while I remained there, but I understood since that he has transferred his claims to a Mr. Waite. Mr. Cheney is president of a national bank, and Mr. Waite is cashier.

By the CHAIRMAN :

Q. By whom was Mr. Cheney restored?—A. By Mr. Atkinson.

By Mr. RICE :

Q. Has he since been suspended?—A. I am told he has been.

By the CHAIRMAN :

Q. Since Mr. Atkinson went out?—A. No, sir; I understand that Mr. Atkinson suspended him.

By Mr. RICE :

Q. But after the transfer of his business to his partner, Mr. Waite?—A. Yes; that is information which I get outside the office.

Adjourned to Saturday, April 8, 1876, at 10 o'clock and 30 minutes a. m.

COMMITTEE ON INVALID PENSIONS, June 24, 1876.

Hon. HAMILTON WARD sworn and examined.

The CHAIRMAN. You are at liberty now to make any statement you desire to make before the committee.

The WITNESS. I wish to state that I found, last evening, in my key-box at Willard's Hotel, this paper, addressed to me in this envelope, and with the permission of the committee I will read the paper. It is as follows:

NEW YORK CITY, August 2, 1870.

COMMISSIONER OF PENSIONS,
Washington, D. C. :

SIR: We will thank you to deliver all bounty-land warrants in which we, or either of us, are attorneys, (or may act as such,) or wherein we may hereafter appear as attorneys, to N. H. Hill, esq., of Dunkirk, New York. In making this request we wish it

40 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

understood that we, or either of us, shall be permitted to act as attorney in the prosecution of said claims until they are ready for admission, and that any and all additional evidence asked for shall be filed by us respectively.

WILLIAM VAN MARTER.
DAWSON E. CHENEY.

[NOTE.—The words “or may act as such” above are interlined in the original paper above the junction of the words between which they are placed in this copy.]

This paper shows the following indorsement :

Power of attorney.

VAN MARTER AND CHENEY,
August 5, 1870.

Will observe the directions of Messrs. Van Marter & Cheney in regard to claims which may appear on file, complying with request without further directions.

H. V. A.

[NOTE.—The space indicated by the dotted lines is cut away in the paper presented before the committee.]

By the CHAIRMAN :

Q. Do you know Mr. Van Aernam's handwriting?—A. Yes, sir.

Q. Is the indorsement on this paper in his handwriting?—A. Yes, sir; that is his writing.

Q. Do you know the writing of Van Marter and Cheney?—A. No, sir; I do not; I never saw their writing to my knowledge.

Q. State whether the words that are interlined in this paper, “or may act as such,” are in the handwriting of Dr. Van Aernam?—A. No, sir; I think not.

Q. Of course that was in the body of the paper at the time that you got it?—A. Yes, sir; the paper is now before the committee in exactly the same condition that I received it, with the exception that it was contained in this envelope and addressed to me at my room.

By Mr. HEWITT :

Q. Where was it mailed?—A. It does not appear to have any post-mark upon it; it seems to have been simply a drop-letter at the hotel.

Q. You do not know whom it is from?—A. No, sir.

By the CHAIRMAN :

Q. Do you know whose possession it was in before you received it?—A. Only from hearsay, and I prefer that Dr. Van Aernam should make that statement, if he desires.

Dr. VAN AERNAM recalled.

By Mr. WARD :

Q. Look at this paper and see if that is the power of attorney of which you spoke in your testimony yesterday as having been placed upon your desk some time in the summer of 1870.—A. Yes, sir; that is the paper.

Q. You stated in your testimony that there was something peculiar about the paper, or something out of the usual order of such papers, and that it remained lying on your desk for two or three days?—A. Yes, sir.

Q. And then you put the direction upon it, and sent it to the proper room or division?—A. Yes, sir.

Q. This paper that has been read here is the paper to which you have referred in your testimony?—A. Yes, sir; that is the paper.

Q. Do you know how that paper came to the office?—A. I suppose it came through the mail, but if it did it was a letter that must have been marked “personal,” as all the official letters, or all letters that were opened in the mail-room, had the stamp of the Department on them, which stamp does not appear on this paper. For that reason I presume that it must have come through some other channel.

Q. You observe that a portion of the indorsement on the back of this has been cut away; was it in that condition when you received the paper originally?—A. No, sir.

On that part was either the name of the person who had charge of that room, the bounty-land room, or else the number of the room, I don't remember now which. It was either the name of the person in charge of the room, or the number of the room itself.

Q. Had you anything to do with that mutilation of this paper?—A. No, sir; I had not.

Q. Look inside at the body of the paper and read the words interlined, "or may act as such." Did you insert those words?—A. No, sir, I did not; it is not in my handwriting, and it appears to be in a different handwriting from the body of the instrument.

Q. Do you remember whether those words appeared at the time you first saw the paper?—A. My impression is that it is just as it was when I first saw it, and that the paper is just as it lay on my desk.

Q. When you were in Washington before, when these proceedings were going on, did you make a search for that paper in the office?—A. About two months ago, when I was in Washington, after the publication of this matter, I saw that the charge against me turned upon the question of the existence of this power of attorney, and I went to the Pension-Office in order to make a search for it. I remembered very distinctly that there was such a paper, and that I had held it under consideration for a day or two on my desk, and of course I was anxious to procure it, or to have a search made for the paper, in order, if possible, to get possession of it, deeming it of very great importance in the vindication of myself; and for that reason I went to the parties that were in that room at the time that I was in the office.

Q. In what room?—A. The room No. 118, the bounty-land room.

Q. That indorsement refers to the number of the room that you have spoken of?—A. Either the number of the room, or, as I have stated, the name of the person in charge of the room. I went to the parties, as I have stated, who had been in charge of this room, and made inquiries about this paper, and found that it was in existence; but that I would be obliged to use some diplomacy in order to get possession of it.

Q. You found the paper in possession of one of these parties, and you say that you found it necessary to use some diplomacy in order to get possession of it; now, what do you mean by diplomacy?—A. I mean that I obligated myself to the individual who had the paper, that if it was given up he should not be exposed, nor put to any annoyance about it.

Q. That was the kind of diplomacy you resorted to?—A. Yes, sir.

Q. You don't mean that you resorted to any pecuniary methods of getting it?—A. No, sir.

Q. Did you request the party who had possession of the paper to bring it before the committee, and make a statement about the matter?—A. I did, sir.

Q. State now the name of the person from whom you received the paper, if any gentleman of the committee feels that it is necessary to have that.

The CHAIRMAN. The committee ought to have the name of the person.

The WITNESS. I secured the preservation of the paper by pledging him that I would not bring his name before the committee, and I have very great objection to doing so.

Q. I will ask you if the person from whom you received the paper was the person who had charge of the room that that paper would naturally have been sent to in the ordinary course of business in your department?—A. I do not think that I could answer the question without revealing the identity of the party, which, as I have stated, I feel under obligation not to do.

Q. Well, answer the question so that it may satisfy the committee.—A. Yes, sir; it was the person. I hate to have any connection with a thing that would violate any pledge that I made him.

The CHAIRMAN. It was a pledge of honor that he had no right to exact from you.

Mr. WARD. Yes; and the paper should properly go back to the office where it belongs.

The CHAIRMAN. It would be satisfactory to the committee to know who had possession of the paper, in order that if necessary they might call him, and ask him in reference to the matter; and it seems to me that it is equally as important to Dr. Van Aernam as for the committee.

Mr. HEWITT. I cannot see what motive he could have had to conceal the paper.

By Mr. WARD:

Q. State the reason why this party did not want himself exposed.—A. He did not give any detailed reason; he was very reticent about the matter. I went to two or three other persons before I got to him, and he said very little about it, only that he knew of the existence of the paper, and in that way I made the promise to him that his name should not be brought before the committee, provided that the paper was intact, and that I could get possession of it. He said that he did not want to be known in any scandal connected with the matter, or something of that kind. It was known, he said, that he was in that room, and it would get up some kind of a scandal here if it was known that he had the paper in his possession. And he is particularly desirous

42 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

of preventing that, from the fact that he is a very poor man, looking for employment from the Government, and he does not want his name connected with any matters that might prevent him from obtaining it.

Mr. WARD. I am free to say that this paper shall remain with the committee as long as they require it, and that subsequently it be returned to the Pension-Office, where it properly belongs. Now, if the committee feel that Dr. Van Aernam is under any obligation, in order to acquit himself of any appearance of wrong in this matter, to give the name of that party, he will give it.

The CHAIRMAN. The committee desire to get the name. If this party obtained the paper honestly, it will do him no harm. If he received it in an improper way, it is a reprehensible act, and he should not be shielded from the consequences of it.

The WITNESS. It would be an exceedingly unpleasant duty if the committee should require me to give the name of this party.

Mr. HEWITT. I think it is a pledge that he had no right to require.

The WITNESS. Perhaps he did not insist so much upon my making the pledge as I myself was willing to do to satisfy him. Being particularly anxious to get possession of the paper, and regarding it as of the utmost importance to me, I was desirous of satisfying him fully that he should not be annoyed in connection with the matter, and made the pledge to him to some extent of my own volition. The paper was beyond my control at that time, and I desired to obtain it; but still I feel under obligation to him, and I hope that the committee will not deem it necessary for me to disclose the name.

Mr. WARD. I presume if the witness does not give the name it will be the duty of the committee to report his failure to do so to the House.

The CHAIRMAN. It will necessarily become our duty to report to the House, if the witness declines to answer.

The WITNESS. I will answer the question then; but I desire to state, in justice to myself, that I do so under protest; the paper was in the possession of Mr. Wilson.

By Mr. WARD:

Q. What is his given name?—A. Robert R. Wilson.

Q. He was the person in that room, No. 118, who had charge of the preparation of the proofs of these claims?—A. Mr. Wilson had properly nothing to do with preparing the proofs. His duty was confined principally to correspondence with the General Land-Office in regard to questions about which there were complaints.

Q. He was the man who received that paper, however, from you at the time it left your desk?—A. In the organization of the office he would be nominally in charge of that room, but he was actually in charge of it at that time.

Q. Then if, when leaving the room, he had inadvertently carried this paper off with other papers belonging to himself, it would have been no fault in him?—A. What I inferred from his conversation was this, that when he was leaving the room finally this paper was among a package of papers belonging to himself, which he carried with him. After a time he discovered this paper was among his papers, and then he was afraid that if he carried it back to the office some wrong motives would have been attributed to him in removing it in the first place, and he did not like to return it. That was the idea I obtained from him.

By Mr. HEWITT:

Q. Where is Wilson now? Is he in the General Land-Office?—A. No, sir; I think he is now serving on the grand jury in this city.

Q. He is not in the employment of the Government now?—A. No, sir.

Q. When he went out of the office he took that paper with him?—A. Yes, sir; with other private papers. There is, in fact, from the direction of the paper to him, some authority given to him to take possession of the paper, because the address on the paper was to him.

Q. Why is it that that paper has not the stamp of the Pension-Office on it?—A. I have no absolute recollection of how the paper came to my desk, whether it came through a messenger or was a paper that was inclosed in an envelope marked "personal," in which case it would have come directly to my desk, and have been opened there instead of in the mailing-room; the reason that the stamp of the Department is not on it must be from that fact. These papers are marked in the mailing-room in this way, the envelope is cut, and the paper inside drawn out far enough for the stamp to be placed upon it. If this paper had passed through that room, it would have been marked in the same way. But this could not have come through that room, and from its peculiar shape I remember that it had been lying upon my desk for several days.

Q. Then if that paper had been addressed to you in a private envelope, or come through the mail as private, it would not have received the stamp of the bureau?—A. No, sir.

By Mr. WARD:

Q. Why should such a paper be marked "private" or "personal"?—A. I don't know that.

Q. It is a paper of a public character?—A. Yes, sir; but I do not know why it came in that shape.

By the CHAIRMAN:

Q. Do you know the handwriting of Damon E. Cheney or Mr. Van Marter?—A. I have never seen either of them write, although I have seen their writing in the office.

By Mr. HEWITT:

Q. You did receive communications from them officially?—A. Yes, sir.

By the CHAIRMAN:

Q. Is this paper that has been presented here in their handwriting?—A. I think it is; the interlineation is in Wilson's handwriting; I can swear to that positively.

By Mr. WARD:

Q. There is a letter showing the number of bounty-land warrants issued between the dates of April 18 and April 30, 1871, which you received from the Commissioner of Pensions; have you that letter with you?—A. Yes, sir. The letter is addressed to me, and is as follows:

"DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,
"Washington, D. C., June 24, 1876.

"DEAR SIR: In answer to your verbal request for whole number of bounty-land warrants bearing date April 18 to April 30, 1871, inclusive, I have to inform you that there are two hundred and twenty-nine (229) 160-acre warrants issued.

"I am, respectfully, yours,

"J. W. BENTLEY,
"Commissioner of Pensions.

"HON. H. VAN AERNAM."

The WITNESS. Evidently the paper bearing my indorsement on the 18th of April did not get to the room until the next day, but this letter that I have here covers that date.

Q. That covers all that were issued between those dates?—A. Yes, sir.

By the CHAIRMAN:

Q. You were in the office until the date of your resignation?—A. No, sir; I resigned on the 13th of April, and I remained in the office up to the 25th, 26th, 27th, or 28th of April, I cannot tell which, but I went home before the 1st of May.

By Mr. RUSK:

Q. What was the largest number of warrants that were issued in any one year while you were in the office?—A. 2,598.

Q. Have you any knowledge as to how many were issued in any previous year; the greatest number?—A. Only from the records of the office; I have no personal knowledge, of course.

Q. Read this note and see if it is correct.

The WITNESS. It is as follows:

"DEPARTMENT OF THE INTERIOR,
"Washington, D. C., June 24, 1876.

"The extraordinary issue of land-warrants, of which we were speaking the other day, was in 1856. During that year there were issued, under the acts of 1850 and 1855, 114,411 warrants. Reckoning 313 working days, the issue per day was 365; six working-hours to the day would be 61 warrants an hour, or more than one a minute for every minute of the official time during the year 1856.

"Very respectfully,

"J. W. BABSON."

Q. Have you any knowledge as to the correctness of that, so far as your recollection goes?—A. From my recollection, generally, I should say that it was correct.

By the CHAIRMAN:

Q. Had you any single thing to do with anything but the bounty-land warrants as Commissioner of Pensions?—A. Yes, sir; that was only a small part of the business of the office.

Q. Had you anything to do with the Land-Office except in respect to the bounty-land warrants?—A. Not at all.

Q. Did you ever have any opportunity to ascertain the fact, if it be a fact, that that number of warrants spoken of, 114,411, were issued during the year 1856?—A. I have only knowledge from the official records; I have, of course, no personal knowledge.

Q. Do those records show that 114,000 bounty-land warrants were issued in one year?—A. I think so.

Q. Does it show that 114,000 land-warrants have ever been issued altogether?—A. Yes, sir.

Q. Then, from your experience and observation, you believe that the number specified there as being issued is correct?—A. Yes, sir.

44 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

Q. Your experience shows that the largest number of warrants issued in any one year was only about 2,500?—A. Yes, sir.

Q. How can you state, then, that 114,000 is the correct number of the warrants issued during that year, when your experience is that the largest number issued was only 2,500?—A. I don't testify from my experience.

Q. What do you testify from?—A. I testify from the records of the office.

Q. I ask you, from your own knowledge of the business and from your experience, what was the greatest number issued?—A. My experience is that the highest number issued was 2,598.

By Mr. RUSK:

Q. That was the highest number issued when you were in the office?—A. Yes, sir.

By the CHAIRMAN:

Q. At any other time had you any experience except what you had while you were in the office?—A. No, sir; I had no experience of the business of the office except while I had charge of it.

Q. Then the highest number issued from your own experience in one year was only about 2,500?—A. Yes, sir.

Q. Then how can you testify from your experience that 114,000 had been issued in any one year?—A. I testify from my belief.

Q. But not from any knowledge or experience you have of the matter?—A. No, sir; I testify from the records of the office alone, and from my recollection of them.

By Mr. HEWITT:

Q. How do you know that there were 114,000 land-warrants issued in 1856?—A. I think the records of the office show that.

Q. But I want to know how you know that fact; do you know it or not from the record?—A. I know it from the fact that in making up—

Q. The question is how do you know that fact? I want an answer to that—A. I know it only in a general way.

Q. Do you know that there were 114,000 issued in the year that letter specifies, (1856)?—A. I think the records show that fact.

Q. Did you examine the records?—A. Yes, sir.

Q. When did you examine the records?—A. I examined them in making up my annual report.

Q. Did you examine them for the purpose of seeing how many were issued in that year?—A. No, sir; but in looking over them for the purpose of preparing my general reports.

Q. When was that?—A. When I was making my annual report. I think I had the figures from the books.

Q. Do you have to make out a report, or do your duties require you to make out a report of the number of warrants issued each year?—A. In making out the annual report we have the books of the office before us, from which we can obtain the figures.

Q. Is that a public report, and if so when was that report made of the number of the warrants issued?—A. I never made that report.

Q. Did you ever make any report that would show that fact?—A. No, sir; I never did.

Q. You never made such a report at all, though you had the figures before you from which to draw the conclusion that that many warrants had been issued?—A. No, sir.

Q. Why were you looking over the figures, then, to see that fact?—A. It was not specially for the purpose of ascertaining that fact, but in making up the annual report of 1869-'70, we had the general record-books and papers of the office before us, and these matters were subjects of conversation and talk between the clerks. There is always more or less conversation going on between the clerks at such a time by which such matters may be ascertained, and my recollection is that this statement is substantially correct, but of course I have made no special examination to ascertain that fact.

Q. Have you examined the records lately?—A. No, sir.

Q. And you have not examined the records expressly for the purpose of ascertaining that fact?—A. No, sir.

C. S. TREVITT sworn and examined.

By Mr. WARD:

Question. You are a clerk in the Treasury Department?—Answer. I am, sir.

Q. Were you acquainted with Mr. Van Aernam at the time he was Commissioner of Pensions?—A. I was, sir.

Q. Were you engaged in his office?—A. Yes, sir.

Q. In what capacity were you employed?—A. I was chief clerk of the office.

Q. During the whole time?—A. Yes, sir; with the exception of perhaps a week.

Q. Does the chief clerk at any time act in place of the Commissioner in the transaction of any of the business relating to the office?—A. Yes, sir; he acts as such in the absence of the Commissioner.

Q. Did you act as Commissioner during the time that Dr. Van Aernam was Commissioner?—A. I did for a short time.

Q. Was he not absent at times for a period covering weeks?—A. My recollection is that he was.

Q. He was absent sometimes for a month at a time?—A. On one occasion he was.

Q. When was that?—A. It was in May, 1871.

Q. Do you remember of his being absent in August, 1870?—A. I don't recollect what month it was; but I remember that he was absent some time during the summer of 1870.

Q. Do you remember the fact that during the time you were chief clerk and Acting Commissioner there had been a number of land-claims passed for which the warrants were signed by the Commissioner or by yourself, acting as such?—A. Yes, sir.

Q. And a considerable number?—A. I could not state the number.

Q. I say, was it not a considerable number?—A. Yes, sir; there were quite a number. A package used to come daily, I think, for signatures from the bounty-land division.

Q. Did quite a number of these cases pass under your observation and examination?—A. My connection with them was simply to sign the papers in the absence of the Commissioner after they came from the bounty-land division.

Q. Did you discover any frauds or irregularities in any of those claims which passed under your observation?—A. No, sir; I did not.

Q. Did you learn or know of any fraudulent claims being allowed during the time that Van Aernam was Commissioner?—A. No, sir.

Q. State briefly how those claims got before the Commissioner.—A. The declaration of the party making the claim is forwarded to the office. This declaration then goes to the division of bounty-land claims, where it is examined, and the clerk in charge puts a number of them in a wrapper, and indorses upon the wrapper the number of the claims, and then they are referred to the Third Auditor of the Treasury for evidence of the services claimed to have been rendered. After this routine has been gone through with they are returned to the chief clerk for the signature of the Commissioner. After they are signed they are returned to the bounty-land division, and forwarded from there by the clerks to the party making the claim, or to the attorney representing the party.

Q. By whom are the proofs considered?—A. They are examined by the clerks in the bounty-land division.

Q. During the time that Dr. Van Aernam was Commissioner who were the clerks in that division?—A. There was a man by the name of Wilson—Robert Wilson; one by the name of Butts; I don't recollect the first name; Charles F. Webster, and Dr. Sparks.

Q. Do you know where Sparks is now?—A. He is dead, sir.

Q. Where is Butts?—A. I don't know; I don't know whether he is still in office or not.

Q. Where is Robert Wilson?—A. He is in this city.

Q. Where is Webster?—A. I think he is also in the city.

Q. Do you know whether it had been a rule of practice in the office for these clerks to make examinations, and prepare the papers for the signature of the Commissioner after making the examinations of the proofs?—A. Yes, sir; so far as I am acquainted with the practice of the office, that was invariably the rule. It was the custom when Dr. Van Aernam was Commissioner that the claim should take the course that I have indicated.

Q. Has your attention been called to certain letters that are alleged to have been received by Dr. Van Aernam, and which have been offered in testimony here? (It is stated that these letters were found in Van Aernam's desk when he ceased to be Commissioner.)—A. Yes, sir; my attention has been called to them since this examination began, within the last few days.

Q. Who took charge of the doctor's desk after he left the office?—A. I took it, sir.

Q. Did you take it immediately after he left?—A. Yes, sir.

Q. How long did you occupy it after he left?—A. A little over a month, until his successor arrived.

Q. His successor was Baker?—A. Yes, sir.

Q. You were acting then as Commissioner during that month?—A. Yes, sir.

Q. It is stated here in the testimony presented before this committee, that a letter of December 16, 1870, from Damon E. Cheney to H. Buckminster, also a letter dated April 23, 1861, addressed to N. H. Hill, esq., from William Van Marter, and also a letter without signature, the letter-heading or bill-heading being "Van Marter and Wakely," were found in this desk after you left the office.—A. Yes, sir; I have seen the copies of those letters in the testimony here.

Q. Now, when you took possession of that desk, did you look at the papers that were left there by the Commissioner, and make an examination of them generally?—A. I did, sir.

Q. When you left that desk did you make any disposition of the papers that were on hand at that time?—A. I did, sir. I took all of the private papers with me, and some I forwarded to Dr. Van Aernam, and some I retained.

Q. You looked over these papers both times?—A. Yes, sir.

Q. Did you observe any such letters as appear here in this testimony?—A. No, sir, I did not.

Q. There were no letters of that character among the papers that you examined?—A. No, sir.

Q. And none were received of that character during the month that you acted as Commissioner?—A. No, sir.

By the CHAIRMAN:

Q. I understand you, then, that it was the duty of the clerks in the bounty-land division to examine these different land claims, and the evidence on which they were based?—A. Yes, sir.

Q. If the Commissioner interfered, and passed any of these claims, or ordered them to be passed without being examined by the clerk, it was out of the regular course of the business of the office, was it not?—A. Yes, sir, it would have been.

Q. If the Commissioner should assume to pass a list of these warrants, say a thousand or fifteen hundred claims, or any large number, without having the papers before him, and order that they should be issued without proper evidence, would you not esteem that to be a gross irregularity and abuse?—A. If these claims were issued without evidence of their validity, I should say that it would have been.

Q. If that was done it was kept concealed from you, was it not?—A. Yes, sir.

Q. And you knew nothing of the issuance of any such warrants as I have referred to?—A. No, sir.

Q. From whom did you get any information concerning these letters which have been referred to in your examination here, and which you have identified?—A. I never knew of them until my attention was called to them by Dr. Van Aernam.

Q. All that you know of them is, then, that you know nothing of them whatever?—A. I know nothing except what I have stated.

Q. You have stated that you are not aware that any frauds have been committed in that office in the issuance of these warrants?—A. Yes, sir; I know of no frauds.

Q. If there was a fraud of that character in that office at the time that you were chief clerk, it must have been kept concealed from you?—A. Yes, sir.

Q. Do you know of the circumstance of one man having taken out letters of administration on some two hundred and odd claims at one time; claims that were scattered over all parts of the United States, and of the warrants being issued on all of these claims to him?—A. No, sir.

Q. If any such transaction took place instead of going through the regular channels, it must have passed over your head, and out of the regular order of business of the office?—A. There were no papers relating to the proof of these claims that came to my desk at all. All of the papers that got to my desk were the original declarations of the claimants themselves, which I sent to the bounty-land division, as I have stated, and which were returned to me after the proofs had been examined.

Q. Then, if two hundred and odd claims had been passed in the office in one day, for one administrator—claims originating in different parts of the United States—and warrants had been issued in all of these cases, you had nothing to do with it, and it was out of the regular course of business?—A. I could not say that it would be out of the regular course of business, but such a number as that would be unusual.

Q. Could they have been issued without your having some connection with them, if they were properly issued?—A. The only thing that I did, as I have stated, was to present the claims to the bounty-land division for proofs and the indorsement of the Third Auditor.

Q. Was there ever a list of some thirteen hundred that you made an entry of at one time?—A. I merely signed the indorsement on the package.

Q. Did you ever sign for thirteen hundred, though, at one time, or for any such number?—A. No, sir; I think not. These claims were signed daily—that is, nearly every day. Whatever was proper to be sent to the Third Auditor I sent to him.

Q. Would it not be a gross irregularity for the Commissioner of Pensions to indorse upon a large list of claims—some of them twenty years old, and ranging from that down to perhaps a year, two or three or four years old, and numbering some twelve or thirteen hundred—and order them to be issued without further evidence?—A. It would depend upon the amount of evidence that had been presented with the claims.

Q. Would it not be an irregularity for him to make an order for the issuing of that many without the papers before him?—A. Yes, sir; if he had no knowledge of the evidence on which they were based.

Q. Could he have had all of these papers before him at one time?—A. I could not say, but I presume not.

Q. Did you ever know of such a number in your experience as twelve or thirteen hundred claims from all parts of the United States to be issued at one time?—A. I cannot say. I have no recollection of such a number.

Q. Did the Commissioner examine them at all as a rule?—A. No, sir, not the evidence, except some cases which were out of the regular course. Sometimes a question would arise as to the construction of a rule of the office. In such cases the claim would be referred to him for his decision. Ordinarily, however, if the claim was in proper form, and properly substantiated, it would go through the regular channels, and merely be presented for his signature after the proofs were verified.

Q. You kept possession of that desk of Dr. Van Aernam until his successor, Baker, arrived?—A. Yes, sir.

Q. I will ask you now whether you placed these letters in the desk that I will call your attention to: First, a letter of December 16, 1870, of Damon E. Cheney to H. Buckminster. Did you ever see that letter at all?—A. I think not, sir.

Q. Have you read the letter?—A. I have read the copy of it that appears here in the testimony.

Q. You never saw the original of that letter?—A. No, sir; and, more than that, I don't recollect of ever having heard the name of Buckminster while I was connected with the office.

Q. Did you ever know Damon E. Cheney?—A. Yes, sir.

Q. If that letter of Damon E. Cheney to H. Buckminster was received by Dr. Van Aernam, would it have passed through your hands, as chief clerk, in the regular course of the business, had it been a legitimate business letter?—A. No, sir; official letters did not come to my desk at all.

Q. To whom should that letter have gone, relating as it does, (you know its contents,) after coming to Dr. Van Aernam?—A. The private letters from individuals, I think, would have gone to his desk, and remained there until disposed of by himself. If it was a private letter I cannot conceive that it would have any business on the files of the office.

Q. What desk did you occupy after Dr. Van Aernam left, and where was it located?—A. It was in the room occupied by the Commissioner of Pensions, immediately adjoining that of the chief clerk.

Q. Was it an official desk or a private desk?—A. It was an official desk.

Q. Was there not another desk in which he kept papers, also?—A. Not to my knowledge.

Q. Then, if these letters were in the desk, they were left by Van Aernam, or put there by Baker, were they not? You say you did not put them there.—A. No, sir.

Q. Then, if they were in the desk, as has been stated, they were put there either by Baker, or left there by Dr. Van Aernam?—A. I did not put them there myself, and I could not say that any other person did so.

Q. Had any other person access to that desk except yourself, Van Aernam, or Baker, at or about that time?—A. No one had official access to it; the messenger had access to the room as he was out and in frequently; the door of the room was not kept locked.

Q. Had he access to that desk?—A. Not rightfully so.

Q. If he got access to it, then it was by improper means?—A. Yes, sir; surreptitiously.

Q. Did you see the letter that has also been referred to here, dated Lyons, New York, April 6, 1871, to N. H. Hill from William Van Marter?—A. Yes, sir; I heard it read; that is, the copy of it here.

Q. You have no knowledge of that letter?—A. No, sir.

Q. Did you ever see the letter dated February 9, 1871, from N. H. Hill to Hon. H. Van Aernam?—A. I have no recollection of having seen it, sir.

Q. You had no knowledge concerning these matters at all until your attention was called to these letters by Dr. Van Aernam recently?—A. No more than my position in the office gave me.

Q. You say that you had no knowledge of these letters?—A. No, sir.

Q. And yet you were chief clerk of the office?—A. Yes, sir.

Q. Do you know anything of the issuing of warrants to Van Marter, Hill, or Cheney, or either of them?—A. In a general way I know that they were attorneys in bounty land-claims; beyond that I don't know anything particularly about them.

Q. Do you know anything of the fact that in one year there were 2,328 warrants issued to one or more, or all three of these parties?—A. No, sir; I have no knowledge of any unusual number having been issued to them in any year. My recollection is that, while Acting Commissioner, the envelopes would come in containing a number of warrants for signature, and I would sign during the day what I supposed could be disposed of, and the unusual number did not attract my attention.

B. Mr. HEWITT:

Q. Would it not strike you as being unusual if you had signed so large a number of

48 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

warrants for one firm?—A. There was nothing on the warrants to indicate to me their destination. I could not tell where they were to go.

By the CHAIRMAN:

Q. The Commissioner, Van Aernam, was absent in May, 1871?—A. Yes, sir.

Q. How do you remember that fact?—A. I remember it from the fact that he had resigned before that, to take effect on the 1st day of June, and he obtained leave of absence about the time that he filed his resignation, and did not return during the month, and during the time of his absence I occupied his desk.

Q. From the date of his resignation he was absent a month?—A. Yes, sir.

Mr. WARD. Before that date he was absent?

The WITNESS. He was not there from the time that his resignation was filed until his successor came.

By the CHAIRMAN:

Q. Calling your attention now to the summer of 1870, have you any recollection of his absence at that time?—A. I remember of his being absent some time during that summer for some weeks, but I don't remember the time.

Q. But he was absent for some time during that summer?—A. Yes, sir; as I remember, for several weeks.

Q. Do you know his business at that time?—A. No, sir; I do not.

Q. Was anything said of his being out West locating land-warrants during the time that he was then absent?—A. No, sir.

Q. Did anything transpire to indicate to you that such was his business?—A. No, sir.

Q. Have you ever heard him speak of his western lands?—A. Yes, sir.

Q. Was it in connection with that absence or not that he spoke of them?—A. I don't recollect that it was.

Q. You don't know the time that he was absent in 1870?—A. No, sir; I could not be positive; as near as I can remember, however, it was between three and four weeks in the summer.

Q. You have no knowledge, you say, of any irregularities in these bounty-land claims?—A. No, sir.

Q. Could there possibly have been as many as 2,300 fraudulent or illegal claims passed through the office without your knowledge, acting as you were in the capacity of chief clerk?—A. I hardly think it could have been done.

By Mr. RAINEY:

Q. Why do you say that you think it could not have been done?—A. Because my attention in some way would most certainly have been attracted to it.

Q. But how could your attention have been attracted to it if, as you say, there was nothing on the outside to show that these warrants were passed irregularly?—A. I might not have learned the fact from the claims themselves, but I think that my intercourse with those in the room and my general supervision over the business would have led me to learn that there was some irregularity connected with such a number of cases, and my attention would have been called to it in that way. I think I should certainly have known it in some such way as that.

Q. If, then, there had been any irregularity you would have discovered it by your intercourse with the other officers in the bureau; by reason of your general supervision over the business, but not by anything that came under your immediate notice connected with the claims themselves?—A. Yes, sir.

By the CHAIRMAN:

Q. What position do you occupy now?—A. I am a clerk in the Treasury Department.

Q. In what division of the Department?—A. I am in the Secretary's Office—in the revenue marine division.

By Mr. WARD:

Q. Was it or not the practice, or was it occasionally the act of the Commissioner, to order that certain claims should be made special for consideration?—A. Yes, sir; that was done both in the bounty-land cases, and in the pension claims also, at times.

Q. In what way was that done?—A. It was done by writing the word "special" on the claim, and signing the initials of the Commissioner. My attention has been called to that fact in pension claims.

By Dr. VAN AERNAM:

Q. If there were any public complaints, or any wrongs committed in the office, would not the correspondence relating to that matter go to the special secret service bureau?—A. Yes, sir.

Q. You were familiar with the heads of that division in the office?—A. Yes, sir.

Q. If there had been any complaint of that kind against these attorneys, Hill, Cheney, Van Marter, or any other attorney, you would have been likely to hear of it?—A.

I think so, sir. Their room adjoined mine, and it was quite customary for them in cases of complaint to bring the matter to me for consultation before action was taken upon it.

Q. Did you ever hear complaints of that kind against either of the gentlemen named?—A. No, sir.

Q. Was it not the uniform practice of the office while I was in the office, if there were any complaints against attorneys to suspend them on *prima-facie* charges against them, and investigate the charges afterward?—A. Yes, sir.

By the CHAIRMAN :

Q. In the event of the Commissioner of Pensions being himself a party to transactions of this kind, then the complaint would not be likely to go where it should, in the ordinary channels of the business. It would be in his power to prevent that, would it not?—A. I think it would have been difficult for him to do so by reason of the way in which the mail is distributed in the Department. The official mail for the office is sent to the mail-room, where it is opened and examined, and that portion pertaining to each branch of the office is sent to its appropriate room without going to the Commissioner at all.

By Mr. HEWITT :

Q. Without being sent to the Commissioner at all? Would not his own letters be sent to him?—A. Yes, of course if his letters were marked "personal" or "private" they were sent to the Commissioner's desk, but the official letters that I have reference to were all opened in the mail-room, and the Commissioner would perhaps not see one in a hundred of them.

By the CHAIRMAN :

Q. If this information was sent in a private letter to the Commissioner he could control that, could he not, and divert the business from its regular channels, if he so desired?—A. If his letters were marked "private," they would, of course, be sent to his own desk.

Q. If the business was thrown out of the regular channels, that would of itself indicate, or be an evidence of, impropriety or wrong in the management, would it not?—A. Not necessarily so.

Q. Would it not indicate either a wrong or a fraud to divert the business in that way from its regular channels?—A. I could not say that. Some circumstances might arise that might necessitate such a change at times.

Q. If so large a number—say as one thousand warrants—were to be turned out of the regular channels of the business of the office, and issued by the Commissioner, would it not be evidence of either fraud, error, or wrong in the management of the office?

Mr. HEWITT. It seems to me, Mr. Chairman, that these questions are, perhaps, going beyond the point of inquiry before this committee.

The CHAIRMAN. What I wish to ascertain is the regular custom of the office in issuing these warrants, and to show if from one to two thousand, or any large number of them, went out of the regular channels of business, it would indicate fraud or wrong in some way.

Mr. HEWITT. It seems to me that it would be proper to ask the witness if he knows the fact that such diversion did take place.

The CHAIRMAN. He says that he does not know the fact; but from his knowledge of the management of the office I want to obtain his opinion.

The WITNESS. I could hardly answer that question, Mr. Chairman. I think I could conceive circumstances in which it would not be charged to error, wrong, or fraud.

By the CHAIRMAN :

Q. So that if one or two thousand of these warrants should go out of that course, what would be your opinion of it?—A. I would want to know in what particular channel they went out; in what respect they differed from the ordinary course of transacting the business, and what evidence the Commissioner had before him at the time of ordering them to be issued.

Q. I will give you a copy of the order here that diverted some thirteen hundred of these out of the regular channels—this list of thirteen hundred warrants ranging from twenty years old or more, down to a few years past, and from all parts of the United States. In reference to the issuing of these, the following indorsement appears to have been made by the Commissioner :

"PENSION-OFFICE, April 18, 1871.

"Observe specially the directions about sending the warrants in these cases to Honorable N. H. Hill, when issued, contained in Mr. Cheney's letter of the 15th instant, and attached to this list, waiving further evidence and requirement.

"H. V. A."

50 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

Dr. VAN AERNAM. That word that you have read there, "evidence," should be *advice*, and is "advice" in the original.

The WITNESS. It would depend on whether it was a question of the recognition of the attorneys, or the merits of the claims themselves. It was usual for attorneys to transfer their cases to other attorneys, making a general power of attorney for that purpose in regard to these pension-claims.

The CHAIRMAN. I am speaking now in this connection of the bounty-land claims.

The WITNESS. It was a regulation of the office, during Dr. Van Aernam's administration of it, that an attorney going out of business could give a general power of attorney to another, accompanied with a list of the claims he had, and that was recognized in the office as legitimate.

The CHAIRMAN. Suppose this list of thirteen hundred claims was made up and issued without further evidence, in pursuance of that order, would not that be irregular?

Mr. WARD. I submit that that word should be *advice*.

By the CHAIRMAN:

Q. I am not quoting now the words of that order. I say suppose that thirteen hundred of these claims were issued without further evidence, in pursuance of an order of the Commissioner, would it not be out of the regular channel?—A. It would be perhaps out of the regular channel, although it might not be irregular; it would depend upon the amount of evidence in the cases already. If the evidence complied with the law, and was full and complete, satisfying the Commissioner that it was correct, I can see no impropriety in issuing claims in that way.

Q. No impropriety in issuing thirteen hundred at one time and to one party?—A. I don't know that it would make any difference as to the number issued whether one claim or more.

Q. It would be an irregularity, would it not?—A. It would be unusual.

Q. Would it not satisfy you that there must be frauds somewhere, and that a man could not have cases to that number, from all parts of the United States, some of them having been in the office for fully twenty years, and extending all the way from that time down to the present—I say, would it not satisfy you that there was wrong, as it would have been impossible for the Commissioner to have examined all these cases himself within the time that they were issued?—A. To have issued the warrants without the examination of the evidence contained therein would unquestionably have been wrong.

By Mr. HEWITT:

Q. What is the usual practice?—A. After the claim is filed in the office, it goes direct to the division for proof; that is the bounty-land division.

Q. That division examines the evidence in support of the claim?—A. Yes, sir.

Q. Then what is done with it next?—A. After obtaining proof of the service from the Third Auditor they fill up the warrant and send it to the Commissioner for his signature.

Q. And the Commissioner issues the warrant on the proof furnished by this division?—A. Yes, sir.

Q. He does not examine the evidence himself?—A. No, sir.

Q. That is the regular course, then?—A. Yes, sir.

Q. And it is not regular for the Commissioner to give an order to this bureau to issue the warrant without an examination of the proofs?—A. No, sir; that is irregular. It might be done, however, without being irregular if the Commissioner had personal knowledge of the facts on which the claim was founded, or if he had personally examined the evidence and was satisfied that it was correct.

By Mr. RICE:

Q. But that could not in the nature of things have been done in a case involving so large a number as that referred to here?—A. It is done sometimes, but not to any great extent.

By Mr. WARD:

Q. If the order had reference simply to the transfer of the claims when issued, or when the proof was found to justify the issuing of the warrants to another attorney, there would be no special irregularity about that?—A. No, sir; it was in accordance with the usages of the office to allow attorneys, as I have stated, to give powers of attorney for transferring their cases to others.

Q. If he were to pass the claims, or order them to be passed without investigating their merits, it would be a gross irregularity on the part of the Commissioner, and nobody pretends otherwise?—A. Yes, sir.

By the CHAIRMAN:

Q. If these claims were required to be issued without the power of attorney at all, would not that have been a fraud?—A. It would be a wrong upon the rightful attorney, of course.

Q. If there had been no attorney filed in the case, (suppose that there was no attorney of record,) then to issue an order for thirteen hundred warrants to a man who had no power of attorney to receive them, would not that have been a wrong?—A. Yes, sir; I think so.

Q. This, then, would have been a gross irregularity to send these warrants to Hill, if there was no power of attorney authorizing the transfer to him?—A. If there was no power of attorney there was certainly an irregularity.

HENRY VAN AERNAM sworn and examined.

The CHAIRMAN. You are at liberty to make any statement with reference to the matters under investigation by the committee that you may desire.

The WITNESS. I appear before your honorable committee to vindicate myself against the charges recently made before you by C. W. Seaton and Joseph Lockey.

I was appointed Commissioner of Pensions in April, 1869, and assumed the duties of the office May 1, 1869. I found that there was a large number of unadjusted claims for bounty-land warrants for soldiers and sailors, who had been engaged in the military and naval service of the United States, from 1790 to 1858, as provided in the several acts of Congress passed for that purpose. These claims numbered from seventy to eighty thousand, and had been accumulating and lumbering up the Pension-Office for many years. Many of the original applicants had died, leaving widows and heirs who were reviving these claims, and who procured the passage of the act of Congress, approved March 3, 1869, which was as follows:

"AN ACT explanatory of the act entitled 'An act declaring the title to land-warrants in certain cases,' approved March 3, 1869.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled 'An act declaring the title to land-warrants in certain cases,' approved June third, eighteen hundred and fifty-eight, be so construed and applied as to authorize the legal representatives of deceased claimants whose claims were filed prior to their decease to file the proof necessary to perfect the same.

"Approved March 3, 1869."

This act became necessary from the death of the original applicants, but its effect was to revive some ten or twenty thousand cases that had become invalid by the death of such original claimants. This, you will observe, was very shortly before I came into the office, which accounts for the increased number of claims allowed during my administration of the affairs of the Pension-Office. Believing that it was the duty of the Commissioner to examine and dispose of those too-long-delayed claims, I directed my subordinates to make full investigation and report as to those cases. By law the land-warrant issued to the original applicant, if alive; if not, to his widow, or to his heirs who were minors March 3, 1858. Upon the face of the warrant the number of acres was specified to which the claimant was entitled, and, if issued to the original applicant, his *name* was mentioned as such; if to his widow, her *name* as such, and, if to his minor heirs, their *names* as such, and, in all cases, giving the military or naval service on which such claim was based.

And in no case did the warrant upon its *face* issue, to my recollection, to the administrator or executor of the soldier or sailor. The proofs were examined and cases prepared in the bounty-land division, in the Pension-Office by the clerks having charge of the papers, and the warrant was filled out, and brought to the Commissioner, in the routine of the office for his signature as completed work. In order to test the accuracy and integrity of the clerks in these cases, I would call out promiscuously two or three times a week all the papers and proofs in various cases and examine them, and justice to the clerks requires me to say that I found none of them fraudulent on their face or lacking in proof. It was impossible for the Commissioner, on account of the exactions upon his time, to examine in detail all of these cases, and I had to content myself with the examination of cases selected at random, as before stated.

In all cases that came before me, there was nothing on the face of the papers to indicate, and I had no knowledge that any of the warrants were issued to or for the benefit of Wm. Van Marter, Damon E. Cheney, or N. H. Hill. I never met Van Marter to my knowledge, or Cheney, except on one or two occasions, when he came to the Pension-Office on business; and I also met him casually once in Buffalo, but had no business with him there. In regard to Hill, I will say he was a lawyer of good reputation in Dunkirk, N. Y. I was member of Congress from 1865 to 1869; during that time I knew Hill as a prominent lawyer and constituent, but got acquainted with him more particularly as he came to me with other prominent citizens of Dunkirk to procure an appropriation from Congress for the Dunkirk Harbor. In the business of the Pension-Office it did

52 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

not come to my knowledge that Cheney, or Van Marter, or any other person were appointed administrators of deceased claimants, or receiving land-warrants as such. By law the warrants as above stated were required to be issued, and were, in fact, issued on their face to the applicant, widow, or heir by name.

After I signed the warrant the messenger took it to the room for the Department seal, which was in charge of the Secretary of the Interior. After being sealed it was returned to the bounty-land room, and mailed by the clerk to the party named in the warrant, or to his or her attorney. After the warrant reached its destination, and the owner desired to have it located, the party named in the warrant or his assignee located it. I now understand that Van Marter and Cheney became appointed administrators in a large number of cases of persons claimed to be dead; that they claimed as such administrator, and did, as such, make assignments to locate said warrants; and I have learned for the first time since these investigations that it is claimed that frauds were committed by them respectively in so doing. All this, if it were so, did not and would not come, in the course of my business as Commissioner, under my observation. When the warrant is located it was returned to the General Land-Office, and not to the Pension-Office.

The only complaint concerning any of these attorneys that came to my knowledge while Commissioner, was from some one in Pennsylvania, who wrote me complaining that Van Marter had charged him \$20 for securing his land-warrant as attorney, and would not surrender it to the claimant until he paid the \$20. I caused Van Marter to be notified to return the warrant to the office without delay, as the charge was held to be illegal. The warrant was returned, and I sent it to the claimant, but advised him to pay Van Marter his legal fee of \$10. The committee will observe that Van Marter, Cheney, and Hill were all, during the time I was Commissioner, attorneys in good standing, and authorized to practice in the courts in the States in which they resided, and before the Pension and other bureaus in Washington, as I then understood and believed. I ceased to be Commissioner of Pensions June 1, 1871. I did not in fact execute the duties of the office from about April 26 before, when I had leave of absence, and from which time I was in the State of New York. None of these attorneys were suspended from practice in the Pension-Office until on or after October 31, 1871, six months after my actual connection with the office had ceased, and I had no knowledge of any irregular or fraudulent practices on the part of any of them.

A certain letter appears in Mr. Lockey's testimony, under date of April 15, 1871, from Cheney. That letter accompanied a list of bounty-land claims that Cheney by power of attorney had turned over to Hill the July or August previous. These land-claims had remained so long unadjusted that no particular attention was paid in disposing of them to the order in which they had been received, but were called up by special direction as claimants or attorneys appeared. Van Marter had also executed a power of attorney, jointly with Cheney, substituting Hill as attorney in claims held by him, (Van Marter.) After the power of attorney was executed, and before the above-mentioned letter from Cheney was written, the office still continuing to transact business with all these attorneys by mail, much confusion had arisen as to the claims they severally had charge of, for want of a list of the claims that had been transferred to Hill by Cheney and Van Marter respectively, as no such list accompanied the power of attorney. This list was also required by regulation 42 of the office, which required such list to be furnished the office in case of substitution of attorneys. I indorsed a special direction on the list accompanying Cheney's letter, and the only object and point to it was to have the warrants, when issued with certainty, sent to Hill as Cheney had requested and directed, and the power of attorney and substitution authorized, and the words indorsed on the list making it special and "waiving further advice and requirement," had simply reference to further calling upon me to ascertain what was to be done with the warrants or to whom sent, as the clerks had more or less been in the habit of doing. These words had no reference to the adjudication of the claim itself, or whether the warrant was to issue, but simply to whom it should be sent when issued, as above stated.

As to the other letters referred to in Lockey's testimony, both signed and unsigned, the originals of which are not produced, but of which he claims to have copies, and which he says some man told him (the man's name is not given) was got out of the desk I had occupied in the Pension-Office, I know nothing about them; never saw or heard of them. When I left the office I carefully examined the desk in all parts, and no such letters or papers were in or about it. Immediately after I left the desk, and for a month, it was occupied by Mr. C. M. Trevitt, now in the Treasury Department, who can tell the committee whether any such documents were received while he was at the desk.

As to the intimation of Mr. Lockey that he thinks, for the reasons he gives, that I must have been cognizant of, and a participator in, bounty-land frauds of these attorneys, I can only say, that his insinuations are unfounded, and do me great injustice. No one pretends to have discovered any frauds or irregularities in these attorneys, or any of them, until after I left the office.

Mr. Lockey seeks also to convey the impression that I was removed from the office of Commissioner on account of these bounty-land matters. This is also untrue. As near as I can learn, my removal was due to two causes: first, I was a physician of the old, or allopathic school. I had the appointment of all the physicians in pension cases. I refused, for reasons satisfactory to myself, to appoint certain homeopathic doctors that applied for this position. This offended the whole of this class of doctors in the United States, and they made a tremendous pressure upon the President and Secretary of the Interior for my removal, and these officials came to feel that, by my retention, they were offending a large and influential educated class of men all over the Union. The second reason was, that I had broken up combinations of rascals who had been engaged in frauds upon the Government in pension cases, and had procured the conviction and punishment of many of them, as appears by my report as Commissioner for the year 1870, on pages 5 and 6, to which I beg leave to refer, as follows:

"FRAUDS AND SPECIAL INVESTIGATIONS.

"Soon after assuming the duties of my present position, I became satisfied that a great number of fraudulent claims upon the Pension-Office had been made, many of which had been allowed and paid, and others were still pending. Not a few of these claims were based upon applications the signatures of claimants or witnesses in which are forged, and supported by false affidavits; and there were also claims on the ground of dependence, the claimants in which were for the most part never dependent. These were frauds upon the Government alone. The attention of this office has been called to another class of cases, which are not wholly fraudulent nor, indeed, without merit when properly presented. But by reason of the large fees demanded by, and promised to, the parties prosecuting the same, of one-fourth, one-third, and even one-half of the amount collected when the claim was allowed, the testimony in support of these applications has distorted and perverted the facts so as to magnify the character of the claim upon the Government. Here was not only fraud upon the Government, but extortion and fraud upon the pensioners also.

"This office has applied the limited means placed at its disposal for the investigation frauds and attempted frauds upon the bureau with the following results:

"Pensions of invalids dropped under biennial examination of 1869.....	\$44,854
"Pensions of invalids reduced under biennial examination of 1869.....	83,784
"Pensions of invalids dropped by special order of the office.....	21,888
"Pensions of invalids reduced by special order of the office.....	5,616
"Pensions of others dropped by special order of the office.....	10,920
"Total annual amount	167,062

"The sum of \$20,103.44 was drawn through fraud by widows who had remarried. Nearly the whole of this sum has been returned to the Government by means of the investigations of this office.

"The sum of \$6,122.56 was reported by pensioners as retained by attorneys in excess of legal fees, a large proportion of which has been restored to the pensioners through this office.

"For violation of the twelfth and thirteenth sections of the pension act of July 4, 1864, regulating fees of attorneys, by charging exorbitant and illegal fees, and by forging vouchers and other papers in pension cases, 40 attorneys have been arrested, 35 of whom have been indicted, 18 convicted, 11 acquitted, 3 are fugitives, and the cases of 8 were pending at the close of the fiscal year. During the same time 65 pensioners have been arrested for fraud, 42 of whom have been indicted, 22 convicted, 9 acquitted, 4 escaped, and the cases of 30 were pending at the close of the fiscal year.

"From the 1st of September, 1869, to the 30th of June, 1870, 10,075 claims were acted upon in the office of the medical referee of this bureau; 8,267 were approved, and 1,808 rejected; 1,963 admitted claims were sent from said office to special agents for investigation."

The friends of these parties and other guilty parties who feared prosecution if I remained in office, united with these doctors in the raid upon me, and especially were they aided by the claim-agents of the country.

Many pension-agents who are necessarily brought in close official relations with the Commissioner of Pensions and others, remonstrated against any change in the commissionership, as appears from the letters hereto annexed.

At length I resigned, to gratify the wishes of Secretary Delano, but it will be observed that in his letter the Secretary expresses full confidence in my integrity and honor as a public officer, thus rebutting the assertion that I was permitted to resign for the reasons given by Mr. Lockey.

In conclusion, permit me to say that I have not been engaged in any fraudulent or dishonorable transaction, so far as I know, with any man. I have never received from

54 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

the Government or any individual one cent that was not justly my due. I have not consciously wronged any claimant upon the Government out of a single farthing. I have not consciously allowed or passed in any manner any bounty or pension or other claim against the Government that was fraudulent or unjust. And now, when such terrible accusations have gone all over the land affecting my honor as a man and public officer, which was never assailed before, I ask this honorable committee to vindicate and exonerate me from them in such public manner as truth and justice shall require.

"DEPARTMENT OF THE INTERIOR,

"*Washington, D. C., April 12, 1871.*

"DEAR SIR: I am compelled by my sense of public duty to say that I deem it necessary to make a change in the office you are now filling.

"I have delayed this notice for a long time, hoping to be relieved in some way from the performance of this duty.

"I desire to add in great sincerity that I have the highest regard for your integrity, and this notice must not be construed otherwise.

"I shall be glad if you are able to appreciate my motives correctly.

"Very truly,

"C. DELANO.

"Hon. H. VAN AERNAM."

"UNITED STATES SENATE-CHAMBER,

"*Washington, February 6, 1871.*

"A few days since I signed a short letter recommending General John B. Rogers, of Tennessee, to the President for the office of Commissioner of Pensions, being informed by General Rogers that the office would be vacant in a few days.

"Since signing the recommendation of General Rogers, I have been told that this was part and parcel of the war upon you, because of the prosecution of Mr. Butler, of the House of Representatives.

"As I have no cause to feel unkindly to you or sympathize with those making war upon you, I have sent my son to General Rogers to erase my name from the recommendation above referred to.

"Very respectfully,

"W. G. BROWNLOW.

"Hon. H. VAN AERNAM,

"*Commissioner of Pensions.*"

"PENSION AGENCY, OREGON CITY, OREG.,

"*March 25, 1871.*

"GENTLEMEN: Your letter of the 27th February last was only received to-day. Owing to the late rise of the rivers in this country the mails have been greatly retarded. This will account for the delay in answering your communication. I have written a letter to the Hon. Secretary of the Interior concerning the removal of the Hon. H. Van Aernam, Commissioner of Pensions, and am very glad to bear testimony to the faithfulness of the present Commissioner in the discharge of his official acts. He has the thanks and gratitude of all the pensioners paid at this agency for the reforms he has instituted in the pension-laws, simplifying them in many respects and lessening the cost to pensioners in drawing their pensions. They will all regret very much to hear of his removal from the place he has so well served.

"I am, very respectfully, your obedient servant,

"HENRY WARREN.

"*United States Pension-Agent.*

"W. T. FORBES, A. R. CALHOON, Esqs.,

"*United States Pension-Agents, Philadelphia, Pa.*"

"OFFICE OF HIRAM IDDIGS, UNITED STATES PENSION-AGENT,

"CORNER OF MAIN AND HARRISON STREETS,

"*Fort Wayne, Ind., March 8, 1871.*

"DEAR SIR: I am informed that there is a movement being made for the removal of the Hon. H. Van Aernam from the office of Commissioner of Pensions. Under the circumstances I cannot refrain from expressing to you the high esteem which I have been led to entertain of Mr. Van Aernam as an officer and the admirable management of the Department of which he has charge. He has introduced some marked improvements in the manner of conducting the business, among which I would mention the complete orders of entry which are now issued, the changes in regard to the requirements of periodical examinations of invalids, and the careful and thorough system of biennial examinations. The promptness with which all claims are now adjusted is calculated to give a high degree of satisfaction to all having business with his office, while

the safeguards thrown around the pensioner to protect him from frauds cannot but reflect highly upon the management which has perfected the system.

"In thus offering my testimonial to the worth and efficiency of Mr. Van Aernam in the discharge of his official duty, I feel that I am but yielding a just tribute to the ability and courtesy so uniformly displayed in his communications with this office.

"I have the honor to be, yours, very respectfully,

"HIRAM IDDINGS,
"Pension-Agent.

"Hon. COLUMBUS DELANO,
"Secretary of Interior."

"UNITED STATES PENSION AGENCY,
"Trenton, N. J., March 2, 1871.

"MY DEAR SIR: Our March payment begins on Saturday, and I beg to say I am fully ready for it. The check-books sent me are admirable in every way, and I am sure all the agents will thank you for so vast an improvement. Your last remittance of \$140,000 will carry me well through the payment, and I have to thank you for the good balances ever to my official credit.

"I continue to hear rumors of your removal, but I sincerely trust they are void of truth. You have done a great and good work in the Pension-Office, which the country deeply appreciates, and your removal just now, it seems to me, would be something in the nature of a public calamity. In this State alone, your new system of payments saves pensioners at least \$40,000 per year, and I have heard but one opinion about it, except from claim-agents. Indeed, all pensioners and their true friends are enthusiastically in favor of it, and our recent State encampment of the Grand Army of the Republic meant to emphasize that fact, when it passed the resolution of thanks, of which I suppose you have received a copy. What reasons of state there may be that may seem to require your removal, of course I know not. I write only from my own stand-point. But, if you must go, I shall feel your loss keenly, as the loss of an able and honest public officer and a kind personal friend.

"Hoping, however, that whole matter is only the usual Washington rumor, (because I feel the Government really cannot spare you,) I remain,

"Very truly,

"JAS. F. RUSLING.

"Hon. H. VAN AERNAM,
"Commissioner of Pensions, Washington, D. C."

"FORT WAYNE, IND., March 17, 1871.

"DEAR SIR: I received a circular of the Suffolk District Medical Society a few days ago. This society passed, unanimously, resolutions requesting the Secretary of the Interior to sustain you in your action in reference to irregular 'doctors' as examining-surgeons for pensions.

"I have not the least doubt that all respectable, regular physicians in the United States will approve your course in this matter, and I hope that the clamors of those charlatans (especially of the infinitesimal "sugar pretenses" variety) will not deter you from doing your duty in the premises. It would be an utter absurdity to retain such fellows as surgeons for pensioners, when they never have been, nor ever would be, allowed in the Regular Army.

"And I hope, therefore, that the Secretary of the Interior will have the good sense not to interfere with you in this respect. Before I received this circular, I had intended to give you my views of this question. Hoping you may be sustained in your very just and proper action, with my personal respects and regards, I am,

"Respectfully, your obedient servant,

"B. S. WOODWORTH,
"Ex-Surgeon at Fort Wayne.

"Hon. H. VAN AERNAM."

"UNITED STATES PENSION-AGENCY,
"HENRY BOYNTON, U. S. PENSION-AGENT,
"Augusta, March 9, 1870.

"SIR: I have the honor to say that the present Commissioner of Pensions, Hon. H. Van Aernam, has rendered very efficient service to the Government in the administration of his office, and that he is entitled to the gratitude of all pensioners, for his services rendered to them in facilitating the collection of their pensions, protecting both them and the interests of the Government, and largely saving expense to them. This service has been very important to these pensioners.

"The improved method of payment saves them a very large aggregate of expense

formerly thrown away in travel, and is otherwise cheaper, more convenient, and avoids many of the former liabilities to frauds upon them. For his labors in favor of these reforms, Dr. Van Aernam deserves very high consideration.

"I have the honor to be, very respectfully,

"HENRY BOYNTON,
"Pension-Agent.

"Hon. C. DELANO,
"Secretary of the Interior."

As I have stated, the passage of the act of March 3, 1869, has a tendency to increase the number of the warrants issued by the office. One of my annual reports shows the number issued in one year, after that act, to be about 2,500, while for the previous year it had been only about 1,700, or 1,756 I think, an increase of some 750 warrants, and that was the only increase there was.

The warrant itself contained on its face invariably the name of the soldier and the service in which he had been engaged; and if the original applicant was dead and the warrant was issued to the minor heirs, that part would appear on its face. The name of the attorney would in no case appear on the warrant, but the name of the applicant would appear, and also the name of the soldier, and it would show whether issued to the original applicant or the minor heirs, whose claim was allowed under the provisions of the act of 1869.

By Mr. WARD :

Q. Nothing on its face would indicate to you, after it was prepared for your signature, that it was going to pass to the administrator?—A. No, sir; the warrants were prepared and brought to my desk for signature, as completed work.

Q. When it had been located, would the warrant, when it came back to the General Land-Office, show any transfers that might have been made?—A. The assignment had to be on the back of the warrant itself, showing that the party making the assignment had absolute knowledge of the issuing of the warrant, and when it came to the General Land-Office from the office where it was located, (for it did not come, as I have said, to the Pension-Office,) it would show the assignments, if any, and the description of the location which was indorsed upon it.

I have alluded in my statement to a complaint from some one in Pennsylvania, in regard to a charge of \$20 by Van Marter for securing a land-warrant. In connection with that I wish to add, that when I had returned the warrant to the owner, and advised him to pay Van Marter the legal fee of \$10, I never heard any more about it from either of them.

You will observe, also, with reference to the charge of a large number of warrants having been issued by reason of an indorsement or order of mine, dated April 18, 1871, that I had resigned on the 13th of April, (to take effect June 1st,) and was in Washington only some eight or ten days after that date. This indorsement is on the 18th, and consequently these warrants could not have been issued in any great number in that time, though, of course, I was officially connected with the office, through Mr. Trevitt, until June 1st.

Mr. WARD. The point is that you could not have signed many warrants in the short time you were here?—A. No sir. In reference to the regularity of the order transferring these cases to another attorney, there has been some question. I desire to refer here to a regulation of the bureau on the subject. I read the 42d regulation: "Transfers of claims by attorneys, empowered to act in said claims, to others, will not be acknowledged unless accompanied with a list of said claims by name, (and whenever practicable by number,) and then only when the power of attorney of the party making the transfer embraces the power of substitution."

In making the indorsement of April 18, 1871, I had full knowledge of that regulation. The fact, outside of this matter, is that some time in July or August, 1870, before this indorsement was made and six months before this list came to the office, Van Marter and Cheney had substituted Hill in all their claims in the office, in which they were competent or had power of attorney to act.

They reserved the same rights that Cheney reserves in the letter accompanying the same. Both of them reserved the right to furnish evidence; and when the power of attorney came to the office it was in addition to the usual power of substitution, and it was brought to my desk for my consideration, and subsequently I indorsed upon it the simple direction that the instructions of these parties should be observed, and that the warrants should be all sent to Hill, in accordance with the direction of the parties themselves. Now the point is made in the evidence before the committee, that at a certain date the warrants took another direction; that previous to that they had been sent to Cheney and Van Marter, and afterward they were all sent to Hill. The explanation is that they went to Hill under the power of attorney and general substitution that came to the office, directing that such change should be made. But that power of attorney when first filed was not accompanied with the list required by the regulation

cited, and the office was embarrassed by reason of the fact that the clerks would prepare a case in which Cheney appeared as attorney, and the correspondence would go to him. And the case would come up, and the correspondence would go to Van Marter, and it led to complaint and confusion. I therefore directed that the instructions of Cheney should be observed, and with that view made that indorsement.

By Mr. RAINEY:

Q. Was that regulation in existence when you went into the office?—A. Yes, sir; and for years and years before that. As a matter of fact, there was only one written rule that I changed, and that had reference to parol proof.

By Mr. WARD:

Q. That desk in which the letters referred to were alleged to have been found, was that kept locked or could anybody get access to it?—A. It was an official desk and was not locked. One small drawer I kept locked for some private papers, but the desk was otherwise open.

By the CHAIRMAN:

Q. Did you not know that it was an irregularity to issue these land-warrants without power of attorney in favor of the parties to whom you issued them?—A. I never knew of more than one or two cases during my administration of the office where such claims were issued without power of attorney, and these were regularly issued and sent to the claimants themselves.

Q. It would be an irregularity to issue the warrant to one who had no power of attorney, and send it to any one except the claimant himself?—A. Yes, sir; but I will state that a great many applications for bounty-lands had no power of attorney in them, the parties having made their own applications. Many of these cases had been in the office for twenty years. As I learned from Mr. Sparks, it was the practice in such cases to allow the attorney who supplied the last evidence in the case to receive the warrant.

Q. Without power of attorney?—A. It had been, I learned, the custom of the office. It was done by my predecessors, Barrett, Cox, and the others.

Q. You tolerated the issuing of the warrants to an attorney who might venture to file an affidavit in the case?—A. Never knowingly.

Q. You say it was the practice of the office, but you never did it?—A. There were, I think, only two cases of the kind, and I will explain them. I gave one warrant to Mr. Townsend, at present a member of the House of Representatives from Pennsylvania, for a party who was entitled to receive it. The attorney in that case I don't know. Then there was a townsman of mine, an old man named Sprague, who was entitled to a warrant, and I gave it to him without any attorney appearing. These were the only two cases that I know of.

Q. There were forty-two warrants issued to Van Marter and Cheney, and afterward the stub-list was changed to Hill. How did that occur?—A. I could not tell, unless it was after a general power of attorney had come to the office. I wish to repeat here, that I never knew where any of the warrants went. When I called up a case, I did not notice who the attorneys were.

Q. How did Van Marter and Cheney obtain access to the list of these claims?—A. I cannot state. They never had access to the list while I was in the office. Soon after I went to the office I issued a general order, which prohibited any one from visiting the clerks or having access to them during the business hours. This order was designed to exclude all parties from the office or from interfering with the papers in the office.

By Mr. WARD:

Q. State if you authorized any of these parties that have been named to examine the lists?—A. No, sir; on the contrary, they were not allowed, to my knowledge, to go into the rooms at all.

By the CHAIRMAN:

Q. How did the letter from Van Marter to Hill, urging Hill to have the claims that were pending in their favor passed, before you went out of office, get into your possession?—A. I never saw such a letter.

Mr. WARD. Is there proof that such a letter exists?

The CHAIRMAN. Two witnesses have sworn to the fact before this committee.

Q. You did, before going out of office, give an order to that effect?—A. No, sir; I did not. I made that indorsement that has been referred to here; but I gave no order.

Q. You made that indorsement on a list of some thirteen hundred cases in favor of these parties?—A. I don't know the number of cases; I should say probably more than thirteen hundred; but that indorsement had nothing to do with the merits of the cases. It gave no decision in reference to the character of the claims, and no order to issue the warrants, and it had no effect on the evidence that had been submitted in support

of the claims. It was simply the indorsement, directing that the contents of Cheney's letter be observed.

Q. Why did you make thirteen hundred cases for Van Marter, Cheney, and Hill, special?—A. I did not, sir, make them special.

Q. Does not your indorsement make them special?—A. No, sir, not special, but only that they shall be sent to the proper parties.

Q. Then the word "special" does not have its usual meaning in that connection?—A. It had no effect as an order in this case. These cases, as I have stated, many of them, had been lying in the office for over twenty years, and the indorsement made upon the list was only designed to carry out the instructions of the attorneys in the cases.

Q. Did you not indorse on that letter from Damon E. Cheney to Hill, in addition to the order that has been read, the words, "R. W., room 118, special. H. V. A.?"—A. No, sir; not that I remember.

Q. You did not make that indorsement?—A. I say that I do not remember having made it.

Q. That indorsement appears here, as you will observe; now, is that not the way to make these cases special for immediate consideration or attention?—A. Yes, sir; that is the object of making the order; but I have no recollection of having made that indorsement upon it.

Q. Why did you give these thirteen hundred cases immediate consideration?—A. I never intended to do that.

Q. You have no recollection of making that many cases special for these attorneys?—A. No, sir, not at all; I never intended that they should have been made special; the indorsement was only designed to carry into execution the power of attorney given by these parties to Hill; in fact, at the time this transaction took place, I was absolutely out of office.

Q. This is dated on the 15th of April, 1871; that is before you went out, is it not?—A. No, sir; that indorsement is on the 18th, and not the 15th.

Q. I speak now of the date of the letter, that is the 15th.—A. Yes, sir, but that letter, as you will observe, is from Massachusetts, and that was received five or six days after I had resigned, and the resignation had been accepted. I resigned on the 13th, and Baker, I think, was appointed on the 14th. After my resignation, I remained in the office until the 26th or 27th of the month, or about that time; I then went to New York, and did not return again to the office.

Q. Then really after you had gone out of office you made thirteen hundred cases special for these men?—A. I think not, sir; I only intended to make them special as far as the direction to the clerks were concerned about their being sent to Hill. There was a good deal of difficulty in the management of these cases; they had been accumulating for a long time in the office, and in many of them the original claimant was dead, and there was no regular order in which they could be taken up. An attorney would send in the slips of the case, and it was taken up and considered. That was the way these cases came before the office for attention. No regular order was observed in them, and they led to a great deal of trouble. That had been practiced for years in the office, that plan of disposing of them. Now, that word "special" conveys nothing more to the clerks than the intention to take up these claims for consideration. There was nothing intended by the Commissioner in making that indorsement to indicate to the clerks that any special claim should be admitted; it is merely a direction to him to look up the case for action. There was nothing in that direction either that would authorize the sending of these warrants to Hill, unless the power of attorney by Cheney & Van Marter had been entered, which power of attorney was before me at the time of giving the order.

By Mr. RUSK:

Q. Did you take up any of these old cases unless requested to do so by the attorney or somebody else authorized to call them up?—A. I understood that none of them were taken up unless some letter or testimony was produced asking for their consideration.

Q. There was no regular order in which the cases were taken up?—A. No, sir; they were just taken up as they happened to be called, or as testimony happened to be introduced in their support.

By Mr. WARD:

Q. Do you know whether the most of these cases were cases that came within the purview of the act of 1869, that was passed before you came into the office, and which revived a large number of these claims?—A. I understand that, during the twenty years I have mentioned, the pension and bounty-land claims had accumulated to a large extent in the hands of a very few attorneys, principally Mr. Lloyd, Chipman, Hosmer & Co., of this city; Tufts, of Boston; and Hill, Cheney & Van Marter, and some others. Cheney & Van Marter had perhaps more than one-half of the cases in the office under their charge; and I have understood from the attorneys themselves that this act, passed on the 3d of March, 1869, was secured, or its passage was secured, by Lloyd, Cheney, Van Marter, Hill, and these other parties.

By the CHAIRMAN :

Q. Do you say that the act was passed by these men, Van Marter, Hill, and Cheney?—A. No, sir; but they were partly instrumental in obtaining its passage; the act was secured by all of these attorneys, who were interested in the dormant claims.

By Mr. RICE :

Q. Was that act passed before you got out of Congress?—A. It was passed in the last Congress that I was in, but I had no knowledge of the act, or the effect of it, before I became Commissioner.

By the CHAIRMAN :

Q. Here is an extract from a letter of Hill to which I desire to call your attention. It is as follows :

“OFFICE OF GROSVENOR & HILL,
“ATTORNEYS AND COUNSELORS,
“Dunkirk, N. Y., February 9, 1871.

“HON. H. VAN AERNAM :

“DEAR SIR : I see that there is a bill pending relating to bounty-lands for soldiers of the late war, and that it allows claimants to assign their claims. It seems to me that its passage will materially depreciate the value of western lands. I am afraid the soldiers will assign their claims, and that will make our lands of little value,” &c. You will observe in that letter that he speaks of “our lands.” To whom does that refer?—A. I never saw that letter. The first knowledge I had of it was when I saw a copy of it in the testimony here; but I am under great obligation to the committee for calling my attention to that matter, because charges have been made against me and have gone out through the country that I have become immensely rich through these bounty-claims.

Q. Do you own lands with N. H. Hill?—A. No, sir.

Q. Did you at any time own any with him?—A. I did, sir; once.

Q. When were these lands located, and at what time were you interested with Hill in them?—A. The lands were located, I think, in November, December, and a part in January of the years 1871 and 1872. I located with Hill what was equivalent to thirty-three pieces of land. A part of these was located by land-warrants, and a part with college scrip. There were 32 full pieces of 160 acres each, and one of 120 acres. I have bought lands in Minnesota since 1867, and I own lands now in my own individual right, and jointly with others, to about forty-three or forty-four hundred acres. My transactions with Hill were about as follows : In 1867 I went to Minnesota, and purchased agricultural college scrip, which I purchased from parties at second hand, to the amount of about 1,800 acres, I think; that was the first purchase that I made which was in my own individual right; and here are the deeds of the parties from whom I purchased.

By Mr. WARD :

Q. Whom did you purchase with first?—A. In 1867, I purchased some land in connection with Mr. Boardman.

Q. Whom next?—A. With Boardman and Gilman.

Q. When was that?—A. That was in 1868, '69, '70, and '71. The next I purchased—and I purchased this jointly with other parties, because I had no means of my own—the next I purchased was with Walling and Stillwell, and there is about 2,800 acres that I hold jointly with them. A part of that was a cash purchase, and a part was purchased with the bounty-land warrants and college scrip. You can see, by examining the titles to the land which I have here, the difference between that purchased in cash and that purchased with the bounty-land warrants and college scrip. The cash purchases have no special mark on the warrants, but contain, of course, a description of the lands with the seal, &c.; that purchased with college scrip shows not only the description of the lands, but contains in one corner this vignette, (sheaves of grain,) and the flag indicates that purchased with the bounty-land warrants.

By the CHAIRMAN :

Q. How many purchases did you make with Hill?—A. Thirty-three pieces in all.

Q. Where is that land situated?—A. In Todd County, Minnesota.

Q. When did you purchase?—A. In November and December, 1870, and in January, 1871; I cannot say exactly the date.

Q. On February 9, 1871, then, you did own lands with Hill?—A. Yes, sir.

Q. How much did each of you own?—A. I purchased land with him as I did with Stillwell and Walling.

Q. How much did each of you own?—A. The title was jointly vested in us.

Q. Equally?—A. I intended to say before, when I began to speak of the mode in which these lands had been purchased with Hill, that the title was made to Hill and myself, but the real facts of the case are these: that when the land was sold, Hill

60 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

having furnished the money to purchase it, and I being under obligation to pay the expenses, the office expenses, and the expenses of location and exploration, as I had an explorer in the field, one I had employed since 1867, that when the land was sold Hill was to be paid first his purchase-money, and an interest of 7 per cent., and I was to be paid my expenses for the exploration and office-fees, and the balance was to be divided equally between us.

Q. How many of these thirty-two warrants were soldiers' bounty-land warrants, and how many were college scrip?—A. I cannot say exactly; I think that five were college scrip, and I believe twenty-seven whole pieces and a fraction of bounty-land warrants.

Q. There were twenty-seven land-warrants, then, located on bounty-land warrants, with Hill while you were the Commissioner of the Pension-Office?—A. Yes, sir; there were twenty-seven or eight.

Q. Did you have any other interest, located anywhere else, with Hill, than that in the county in Minnesota to which you have referred?—A. No, sir; there may have been one or two of these pieces located in Morrison County, Minnesota, but it was all in the same neighborhood.

Q. Is there any other county or State in which you have any warrants jointly with Hill?—A. No, sir.

Q. Did you have any located in which you had an interest, that was not located in your own name?—A. No, sir.

Q. Did Cheney or Van Marter, or any of those attorneys besides Hill, have any land with you?—A. No, sir; I never had anything to do with Cheney or Van Marter, as I have already stated; I have never had any personal business with them, and no transactions of any kind with them. I did not know any of them, I may say, personally, except Cheney.

Q. You did know Cheney, though?—A. Yes, sir.

Q. Did you own any land with him?—A. No, sir, I did not; the only land that I had was the land that I have named with Hill, thirty-two full pieces, and a part of a piece.

Q. At the time you went out of office as Commissioner of Pensions, how many acres of land did you own?—A. With the exception that I gave you, I did not own any, excepting this contingent interest where the legal title was jointly between Hill and myself.

Q. I wish you to state the number of acres.—A. That I have stated is all I owned. I think there were about 5,200 acres that I owned jointly with Hill, but as I have stated I had only a collateral or contingent interest with him. I did not own the land-warrants at all. It was simply a speculation in which I was to enjoy a prospective benefit, but the crisis of 1873 came on, and defeated our calculations.

By Mr. RICE:

Q. The warrants, you say, belonged to Hill?—A. Yes, sir.

Q. How did he get them?—A. I think he bought twenty of them that were located in the names of Hill and myself, and I think the five college scrip also.

By the CHAIRMAN:

Q. Did you issue the twenty warrants yourself?—A. I presume I did, but I cannot say; but if I did issue them I had no more idea that there was any moral obliquity in my doing so, or in my purchasing bounty-land warrants, than there would have been in Treasurer Spinner, when in office, purchasing a Government bond. It might be construed by the world as a censorious transaction, but I did not think so, and I have no idea that it was objectionable in any way, because there was nothing wrong about it; it was a simple transaction in which I, like any other private individual, invested my money in what I believed to be for the benefit of my family.

Q. Then you were concerned in some bounty-lands to some extent at the time that you made that order making these thirteen hundred cases special?—A. Yes, sir; but let me say, as I have stated before in this connection, that there was no personal, social, or pecuniary interest in that transaction, and nothing of that kind has ever influenced my official action in my life. Some of these parties—Hill, Cheney, and Van Marter—had a large interest in several hundred Florida cases, and I rejected all of them; and in another case in which they were also interested they were rejected by me on a technical construction of the law; and so far from having any collusion with these parties, these facts can be established, and the further fact can also be shown that after I left the office Mr. Delano made a decision on both of these cases that I have referred to which opened them all up again.

Q. You remained in charge of the office until about June, 1871?—A. I left the office between the 25th and the 28th of April, and never returned to it, but was in charge, I suppose, through Mr. Trevitt.

Q. Was any considerable number of these warrants issued and signed by you before you gave up the office?—A. There was not one of them, I suppose.

Q. Was not every one of these warrants signed before the 2d day of May of that year?—A. No, sir; it would be simply impossible. The slips would have to go to the Third Auditor's Office in the preparation of the proofs, and the signing of them would render it absolutely impossible that they could have been issued in anything like that length of time.

Q. Did you not make an arrangement that before the new Commissioner came in these thirteen hundred warrants should be signed and delivered?—A. No, sir; I did not.

Q. Was it not extraordinarily speedy work if it was done in that time?—A. Yes, sir; it would have been marvelously extraordinary, if they could have been issued between the time of that order and the filing of that paper.

Q. It is claimed that before the 2d day of May all of these warrants were signed and delivered?

The WITNESS. How many warrants?

Q. Two thousand three hundred and forty-two warrants in all, but thirteen hundred were issued in the interval specified.—A. That is a false statement, and its falsity can be established by the records of the office. These records will show all that have been issued, and it will show that it was absolutely impossible that that number could have been issued in that time unless they were issued out of the regular routine of the office, and to my own personal knowledge no warrants were ever issued in that way except the two I have mentioned.

Q. Did you see that letter in which Van Marter urges Hill to have these matters pressed before you left the office?—A. No, sir, I did not, and that letter which bears date of the 26th of April could not have reached me before I left the office. I never saw it at all. The first that I knew of it was by seeing the copy in the evidence before this committee.

Q. You say you were not here, then, after the 26th of April?—A. I say that I left about that time; I cannot say that I was not here on that date, but I left between the 26th and the 28th, and did not return again for two years.

By Mr. WARD:

Q. How long do you say you were absent?—A. I was here again in the fall of 1872; I was absent certainly a year and a half.

By the CHAIRMAN:

Q. Then you did not see that letter in which it was urged that these claims should be made special?—A. No, sir.

Q. But you did make them special before that by your indorsement?—A. The indorsement that I placed upon them was with the view to require a compliance in the office with the power of attorney forwarded by these parties. On the list furnished by Van Marter and Cheney, there is no doubt that there is some such kind of indorsement, because they had forwarded, as I have stated, the power of attorney, transferring their cases to Hill. But I don't remember whether they sent the list in or not.

Q. Did it never attract your attention as singular that these parties, or that one party, should receive 2,342 warrants in considerably less than one year?—A. I never knew that they received them; my attention was not called to the matter, and, as I have stated before, there was nothing in the warrant itself, when it had been prepared for my signature, to indicate its destination. With the exception of the two warrants that I spoke of, I never knew where they went.

Q. Would they not have called for the warrants, in order to get them, so that you would know it, or did not something come to your knowledge in some way to indicate who did get them?—A. The business of the office was kept well in hand, but it was an immense business, and it would have been totally impossible to attend to all of the details of it, so as to keep posted on these various matters.

Q. How did they get possession of the warrants?—A. After the claims had been allowed the warrants were sent to them in the regular course of business of the office.

Q. Would they not have occasion to write letters in reference to these matters, which would come to your knowledge, and indicate that they were receiving large numbers of these warrants?—A. As Mr. Trevitt has explained, the letters, excepting those that are marked "private" or "personal," and addressed to the Commissioner, do not reach him, except through the mailing-room; those letters that look like official letters are opened in that room, in which there are eight or ten clerks, and they read so much of the letter as indicates what business it refers to, and they send it to that department or room, and the Commissioner never sees it, unless there should be something out of the usual course of business that would require his special attention. For this reason he rarely sees any of the business letters that come to the office.

Q. You did not see the letters from these parties?—A. I may have seen letters from them, but I have no recollection specially of the fact, nor did I know that their letters referred to any extraordinarily large number of claims.

Q. And when you signed the warrants you did not know where they were to go?—A. No, sir; I did not.

By Mr. RUSK :

Q. These parties, Hill, Cheney, and Van Marter, were they the only attorneys that did any business in these bounty-land matters ?—A. No, sir ; there were other attorneys who had also business there, but these persons had a large share of the business ; about one-half, I think, of the whole business was done by them. But there were many others who were also engaged in the same business ; there was Tufts, of Boston, and a gentleman named Lloyd, and Chipman, Hosmer & Co., and others. I changed the mode of doing business in the office, so as to exclude these attorneys from interfering with the clerks in the discharge of their duties. When I went into the office, the business of the office was run virtually by the attorneys ; they had access to all the books and papers of the office, and seemed to be in a position to dictate the course or character of the business. I felt it necessary to make a change, so as to require that the business should be done through the legitimate channels, and not in such a loose way, and for that reason I issued the order to which I have already alluded. I had some very able assistants in the business, who had been familiar with the workings of the office before I went into it, and who were as anxious as I was to remedy these abuses. There was Dr. Sparks, for instance, who was an excellent man in every respect in connection with the business of the office ; he was a strong democrat, and never disavowed his sentiments.

Q. What time did Sparks die ?—A. In the fall of 1870.

Q. That was while you were still in the office ?—A. Yes, sir. One of the charges which has been made public was with reference to this matter that has been alluded to here in the testimony, and published in the Albany Argus. I wish to state, that the matter to which that article refers occurred after I had left the office, as is shown by the affidavits accompanying it.

By Mr. RICE :

Q. You say that before you came into the office it was run by the claim-agents of the country ?—A. Yes, sir.

Q. And they had possession of it ?—A. Yes, sir.

Q. Who was your predecessor ?—A. Dr. Cox, and before him J. H. Barrett, both of them excellent men and faithful officers ; but they found this state of affairs in existence when they came into the office, and allowed it to remain. It had grown up by degrees and materially impaired the efficiency of the office, and you have no appreciation of the fight that I had in order to get that arrangement changed so that it would be impossible for claim-agents to correspond with the clerks. I required that all their business should be transacted through correspondence with the office. The business of the office had been run before that to some extent by these parties, and there was a great deal of trouble in connection with it.

Q. You broke up this business in the bureau ?—A. Yes, sir.

Q. That is, as far as the pension-claims are concerned ?—A. Yes, sir ; I had special reference to them.

Q. Why not in the bounty-land cases, also ?—A. Well, I had served for four years on the Committee on Invalid Pensions in the House, and had served before that some time in the Army, and I knew the requirements of the pension-claims, but I did not know about the bounty-land claims at that time.

Q. From this extreme amount of business that this firm had done, it occurs to every one there must have been some irregularity. Now, could these men who were subsequently suspended from practicing before the office, (these attorneys, Hill, Cheney, and Van Marter)—could they have obtained a list of these dormant bounty-claims and prosecuted them as they did, making themselves administrators, one administrator here and another there, having claims all over the country ; I say, could they have gone on in that way without your knowledge, and could they be successful without your having some knowledge of the facts ?—A. Yes, sir ; they did.

Q. It occurs to the committee that, as far as these parties are concerned, there is no question of fraud in their dealings with the bureau.—A. Their cases, as I have stated, did not come immediately under my own observation.

Q. But if you had given reform to that part of the business, the bounty-land claims, would not these frauds that they perpetrated have been prevented ?—A. Well, sir, in reference to that matter, every possible means was taken to prevent frauds. We had a special detective force in the office, and they searched all over the country when we had reason to apprehend fraud ; and, as I stated, this correspondence in these cases did not come to me, and I could not regulate the matter so as to favor any special parties, if I had desired, as all the mail-matter, no matter of what character, excepting that marked private, was opened in the mail-room, no matter if it was a letter from your wife. It was impossible to keep correspondence that came to the office secret. In my immediate office I had a clerk at my back (one who wrote the more confidential of the office-letters, addressed to members and Senators) who sat very near me, within a few feet, a man by the name of Cleary, a lawyer here, and afterward a man named Dickinson, the editor of a paper in Indiana. There was a clerk also sitting just

in front of me, so that I was never alone in the room, and all business that was transacted in the room was done with their knowledge, and publicly.

Q. It seems from your statement that before you came into the office the claim-agents were running the business.—A. They had free access to all the files, and would go to the desks of the clerks and sit down and look over the cases.

Q. It would not be impracticable, then, for these three parties to have obtained possession of these dormant claims, or a list of them?—A. They could have obtained them in several ways, I have no doubt.

Q. Could they have obtained that list without some collusion with clerks or some person in the bureau?—A. They might have obtained the list without coming to the bureau at all; they could have obtained it from the muster-rolls from the adjutant-general's office in the State.

Q. It is in testimony here that this evidence could not have been obtained except through collusion with the head of the department or some confidential person connected with the office.

The CHAIRMAN. The reason of that is that this list comes in the regular order in which it appears in the office; they come in exactly the consecutive order in which they appear on the rolls.

The WITNESS. I don't think that fact exists; if it does exist, of course somebody must have had access to the rolls.

Mr. WARD. It is, as the committee know, absolutely a matter of impossibility to keep such things as that private; for instance, how is it that the secret proceedings of a committee here get out? You cannot keep anything secret of that character.

By the CHAIRMAN:

Q. Did you make the same arrangement in reference to the bounty-land claims, in regard to changing the order of doing business in that department, that you made in the Pension Bureau?—A. No, sir; only that I kept people out of the room. The rule as to the admission of outsiders was a general rule applying to the whole office.

Q. Was there not a rule of the office that no outside person could get this list of claims?—A. I could not, when I first undertook the management of the office, in which there were two hundred and sixty employés and clerks, regulate all of these matters at once.

Q. Practically there was no such rule?—A. Yes, sir; there was a rule to that effect.

Q. How do you know that?—A. By the common way that any one obtains knowledge when brought in contact with the facts. I answer that I know that fact to exist as I have stated it, just as we know now that the House is in session.

Q. Do you know that nobody had seen these lists of claims who was not authorized to have access to them?—A. No, sir; I know from the history of the office that there were some books or records copied by some clerk in the office who afterward went out.

Q. That clerk was Webster, was it not?—A. No, sir; it was not Webster.

Q. Did this letter, in which instructions came to the agent of these parties here to be sure and put the post-office address in the application, but be sure and get it wrong—did that letter come to your notice?—A. No, sir; I never saw it.

By Mr. WARD:

Q. That was the unsigned letter, I believe, that was claimed to have been found in the desk.—A. I don't know that I ever did; my attention might have been called to it, but I never saw it.

Q. Had you any information or knowledge that such instruction was given, or that a letter to that effect was received?—A. No, sir.

Q. Did you say that you might have been informed of such a letter?—A. Such a letter might have been in my desk without having been read by me, and that might have occurred in this way: Van Marter and Wakely were at one time partners in the bounty-land business, one was here, Wakely, and Van Marter was at Lyons, N. Y.; afterward, when I was here in Washington, Van Marter and Wakely were not partners, but by some means Wakely and Cook had become connected. This man Cook had obtained, through some means, possession of the pension-claim of some widow in Maryland, and it was used in some way to get a good deal of money out of her before she could obtain it. I sent Colonel Simonson, a kind of detective employé about the Department, to work up the case, and he came back with some letters in regard to that matter, and in the pursuit of information on that subject he obtained a number of letters in reference to the pension business, and this letter might, perhaps, have been among them, but if it was, I never read it and I never saw it in my life.

By Mr. WARD:

Q. Where did he get the papers that you refer to?—A. I don't know that.

Q. You sent him out for what purpose from your office?—A. I sent him out to detect, if possible, this fraud. These parties, Wakely and Cook, were partners at one time, and then Van Marter carried on the business himself.

64 TESTIMONY TAKEN BY COMMITTEE ON INVALID PENSIONS.

Q. This matter that is spoken of now was in reference to the bounty-land warrants?—A. Yes, sir; but I never saw that letter.

By Mr. RICE:

Q. Now, it seems to be a moral certainty that these attorneys or agents were frauds, or rather that they perpetrated base frauds against the innocent holders of these claims, and that these innocent parties had never been able to obtain what they were entitled to from the Government. From all the facts in the case that have been presented, is not that your idea in regard to their business? These claims for three or four hundred thousand dollars, claims that were presented by this firm in one year, is it not probable that almost nothing of that whole amount went to the rightful owners?—A. Before the time that you mention, these warrants were worth nothing to the claim-agents, or to anybody else, except to the warrantee himself, and they would have been entirely useless to these parties unless they had been assigned by the warrantee.

Q. But they became the warrantees themselves?—A. Yes, sir; but they had to obtain the assignment of the parties before the warrants would be of any value to them, and that assignment was required to be made on the back of the warrant itself, so that when the paper came before the General Land-Office the whole transaction was complete. At one time the assignment was made on a separate piece of paper and appended to the warrant, but the law has been so changed that that could not be done during my administration, except in the way that I have specified.

Q. But the law has been so changed that these warrants became personal property, and these parties seemed to have found out the names of the claimants, and in some manner they became administrators of their estates.

Mr. WARD. That would have been by appointment of some local court.

The CHAIRMAN. Certainly; they would claim to have some little claim against the estate, and get themselves appointed administrators; but the great bulk of the business, as far as conducted by them, seems to have been fraudulent.

The WITNESS. There is no doubt that they had a good many of that kind of cases.

By Mr. WARD:

Q. In your statement, with reference to the Pension-Office when you came into it, about its having been run by the claim-agents themselves, did you mean to cast any imputation upon your predecessors in office?—A. No, sir; by no means; I had no such intention.

Q. You simply meant to say that the business by custom had grown up to admit these agents to examine into the papers of the office, which in your judgment was an improper mode of conducting the business?—A. Yes, sir; and also that they could correspond with the clerks instead of transacting their business directly with the office, but so far from my casting any reflection upon my predecessors, I have the highest respect both for Mr. Cox and Mr. Barrett, and I had for Mr. Morgan, who is now dead, also. My object was simply to indicate that I believed the organization of the office was defective, and that it required some changes, which changes I made.

Q. You took means, then, to remedy what in your judgment you believed to be an evil that had grown up gradually in the office?—A. Yes, sir; and here is another point that has been changed into a law, and I think I wrote the bill myself; I think the records, if examined, will show that the original draught of the bill was made by myself. That change was in this respect: when I came into the Pension-Office the payments of the pensioners were made twice a year, on the 4th of March and on the 4th of September. The claim-agent in a village or city would collect a large number of these claims, say ten, twenty, fifty, or a hundred cases, and make the vouchers for the aggregate amount, which would be sent out by the office in one check to this agent or attorney. He would get the whole amount of it, and then pay each of these parties their proportion of it. I was under the impression that this system was liable to gross abuse, and I changed it by provision of the law, giving the right to the local commissioner to make these payments direct to the pensioner himself, and send them to him by mail. In reference to the number of warrants that I signed myself, between the dates of the 18th of April and the 2d of May, the stubs will show that. I don't think I ever signed as many as fifty warrants in that time, perhaps not even thirty.

Q. Was there an arrangement with Hill or anybody else, by which you had an interest, directly or indirectly, in any bounty-land claims or warrants, prior to the issuing of the warrants?—A. Not at all.

Q. Had you any knowledge, at the time that any one of these warrants was issued, that any particular one was going to the hands of Hill or any other person?—A. Not at all; I had no knowledge of where it was going to.

Q. You have said that warrants were procured by Hill in the market, and also that college scrip was located in the State of Minnesota in your joint names?—A. Yes, sir.

Q. Had you anything to do, directly or indirectly, or had you any knowledge as to how the warrants thus located were obtained or purchased by him?—A. No, sir; not the remotest.

Q. What proportion have you settled with Hill; what proportion of the thirty-two pieces of land, or the twenty-eight pieces that you have referred to already, did you ascertain your portion and receive it under the contract in your settlement with him?—A. Yes, sir.

Q. When did you do that?—A. Well, it was some time last summer a year ago.

Q. Was it before any of these charges were made, or any investigation into your official conduct instituted?—A. Yes, sir; it was in July, August, or September, I think, of last summer a year ago.

Q. What part of this land thus located came to you under your contract, or in your settlement with Hill?—A. I had expended some ten or twelve hundred dollars in cash for the payment of the expenses of different kinds, and in the division of the amount I got 920 acres for my share and Hill the rest of it.

Q. What was the sum total of this land?—A. It was about 5,200 acres.

Q. And of that land you had about 900 acres for your share, and Hill had the balance?—A. Yes, sir.

Q. This was a full settlement between you, was it, of your interest in that land?—A. Yes, sir.

Q. Now, you have stated also that there were several hundred acres that were located by college scrip.—A. Yes, sir.

Q. And the proportion, then, of land that you received from Hill for your interest in the bounty-land warrants was not as much as 900 acres, because, as I understand you, a portion of that land was purchased with this college-scrip?—A. Yes, sir.

Q. How much land, then, do you suppose you obtained in your settlement with Hill under the bounty-land purchases?—A. Well, I should say perhaps 800 acres, or may be a little over.

Q. What is that land worth per acre, or what was it worth at the time you made this arrangement?—A. The land has no market-value at all; it has simply a legal or technical value, but no market-value at all. The legal value is twenty shillings an acre; but it has no market-value now, and had none then.

Q. Had you any money when you came out of office as Commissioner of Pensions?—A. Not very much. I had when I left Congress about \$5,000 in Government bonds.

Q. Had you any other property?—A. I had my village home where I live, in Franklinville, N. Y.; the title to that, however, is in my wife.

Q. What became of this money that you had when you came out of Congress?—A. All that I have now is forty-three or four hundred acres of unimproved land in the West. The \$5,000 has been expended in that, and there is a mortgage for about \$1,000 on it.

Q. Then you have expended the \$5,000, and have also incumbered the land with a mortgage of \$1,000?—A. Yes, sir.

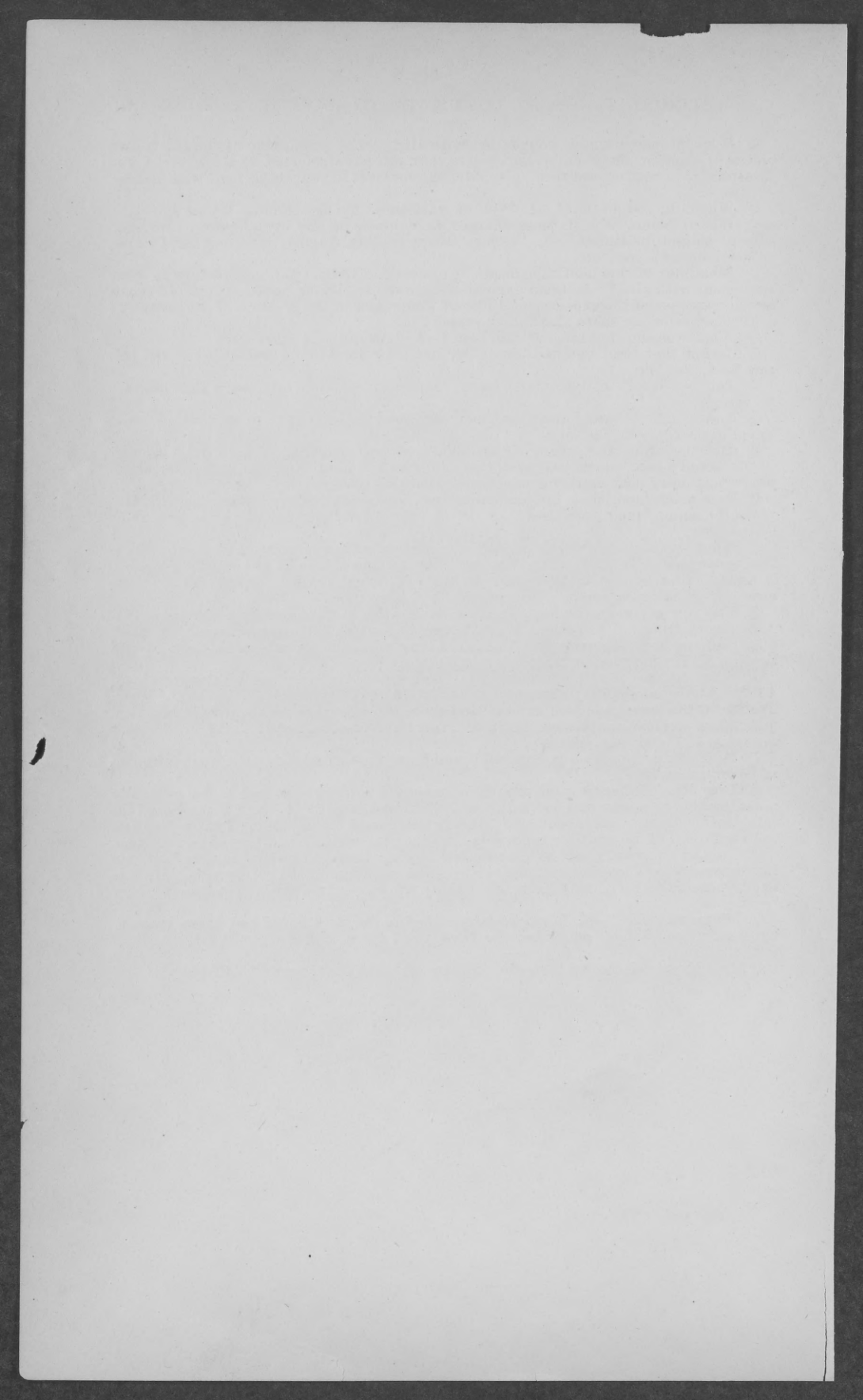
Q. Is this land improved, or is it wild land?—A. It is wild land; it is what is known as Government land.

Q. Does Mr. Hill bear a good reputation among his neighbors, and is he generally considered to be a man of good business habits and integrity?—A. I never heard his name and character questioned until this investigation commenced. I knew him and knew of him as I know other reputable lawyers with whom I was brought in contact.

Q. Do you know whether he has received any appointment since that time?—A. He has been appointed register in bankruptcy and is register in bankruptcy now. He was at one time a special county judge, elected by the people in Chautauqua County, New York.

Q. When was that?—A. It was some time before the time that I had these transactions with him; I don't remember the time, but I know that he goes by the title of Judge Hill.

Q. And he was elected to that office by the people of that county?—A. Yes, sir.



INDEX.

	Page.
Testimony of L. D. Ingersoll	1
Testimony of Charles W. Seaton	4
Testimony of Joseph Lackey	11
Testimony of Joseph Lackey, (recalled)	16
Testimony of Hamilton Ward	39
Testimony of C. S. Trevitt	44
Testimony of Henry Van Aernam	40, 51

THE LARK IN THE HAND

THE LARK IN THE HAND

THE LARK IN THE HAND

THE LARK IN THE HAND

THE LARK IN THE HAND

THE LARK IN THE HAND

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